

Jewish Childhood in the Roman World

Hagith Sivan



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JEWISH CHILDHOOD IN THE ROMAN WORLD

This is the first full treatment of Jewish childhood in the Roman world. It follows minors into the spaces where they lived, learned, played, slept, and died and examines the actions and interaction of children with other children, with close-kin adults, and with strangers, both inside and outside the home. A wide range of sources is used, from the rabbinic rules to the surviving painted representations of children from synagogues, and due attention is paid to broader theoretical issues and approaches. Hagith Sivan concludes with four beautifully reconstructed “autobiographies” of specific children, from a boy living and dying in a desert cave during the Bar-Kokhba revolt to an Alexandrian girl forced to leave her home and wander through the Mediterranean in search of a respite from persecution. The book tackles the major questions of the relationship between Jewish childhood and Jewish identity which remain important to this day.

HAGITH SIVAN is a professor in the Department of History at the University of Kansas. She has published six books and many articles on subjects ranging from the Ten Commandments to Palestine in late antiquity and from Romans and barbarians to the last Roman empress.

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fortunately for me, was Associate Dean at CLAS/University of Kansas, graciously granted leave permission and modest financial support. In Israel I had fascinating conversations with Israel Zvi Gilat, Amram Tropper, Ronit Porat, Rona Avissar-Lewis, Shulamit Wexler and Reuven Kiperwasser, and I benefitted greatly from visits to archaeological sites where I did not plant my invented children. I leave it to others to exert their imagination and readings. I made a pilgrimage to Tzfat to bask in Susan Weingarten's erudition on one of the coldest days in my Israeli memories.

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Preface

What is the Study of Jewish Childhood?

After a little
I am taken in
and put to bed.
Sleep, soft smiling,
draws me unto her;
and those receive me,
who quietly treat me,
as one familiar and well-beloved in that home:
but will not, oh, will not,
not now, not ever;
but will not ever tell me who I am.

(James Agee, Knoxville: Summer of 1915)

How elusive or graspable is the subject of this book? The very fact that this question is posed should cause a pause (no pun intended). We have been blessed in recent years with a plethora of publications relating to childhood in Greek and Roman realms, both in conjunction with the study of the family in antiquity and on its own.¹ How can one explain the absence of Jewish childhood from the wide spectrum of childhood studies? Should we assume that Jewish boys and girls growing up in Roman Palestine or around the Roman-Mediterranean Diaspora between the second and the sixth centuries were so alike their non-Jewish little neighbors, whether polytheistic or Christian, that they do not deserve a scholarly space of their

¹ Current bibliography on ancient childhood contains c. 1800 entries, V. Vuolanto, *Children in Ancient World and the Early Middle Ages. A Bibliography for Scholars and Students* (with Reidar Aasgaard, Camilla Christensen, Camilla Krohn and Camilla Roll). 7th edn. Oslo: IFIKK, 2015. (online); Jens U. Krause, *Bibliographie zur römischen Sozialgeschichte I. Die Familie und weitere anthropologische Grundlagen I* (Stuttgart 1992), s.v. Kinderheit/Jugend, 3366–3586. Practically every book focusing on Greek and Roman childhood contains thematic surveys of literature. A. Cohen, “Childhood between Past and Present,” in eadem and J. B. Rutter (ed.), *Constructions of Childhood in Ancient Greece and Italy* (Athens 2007), 1–22, for one among many.

own? Clearly, as this book is in front of readers the answer is resoundingly in the negative.

What, then, is the study of Jewish childhood? If I were to launch this book with a dutiful survey of previous literature on the subject, I would have summarized this section with a single word: None, or nearly none. The path that Amram Tropper and Israel-Zvi Gilat forged has not led to a full-scale study of Jewish childhood/children in the world of late antiquity or, as scholars of ancient Judaism are wont to say, in the period of the Mishnah and the Talmud(s). This fact, too, is astonishing since the study of ancient Judaism, primarily of rabbinic literature, has enjoyed a remarkable efflorescence in recent decades, as has feminist interpretation of rabbinic texts. Are we justified in consigning children to scholarly silence? Is the subject so unnecessary, unnerving, or perhaps too intimidating, to deal with? Did Jews in antiquity somehow skip childhood to become learned adults or rabbinically oriented Jews precisely by dispensing with the early part of the life course? Was childhood deliberately enveloped in forgetfulness to make room for the fully conscious actions of maturity? When asked about Rabbi Huna, a noted Babylonian sage (late third/early fourth century), the respondent pitted Huna's childhood with his old age, the former deserving oblivion, the latter worth recounting (BT Ta'an 20b). The anecdote should alert us to the magnitude and the difficulties involved in tearing holes in rabbinic memory-films.

Let me be a bit rabbinic and begin with a story about children planted along the road of a famous rabbinic sage. It is told that Rabbi Joshua son of Hannaniah (late first/early second century),² although a man who could easily outwit his sagacious contemporaries in erudite debates, proved helpless and witless when confronting children:

It happened that Rabbi Joshua set out on a journey . . . He encountered a child (*tinok*) sitting at a cross-road and asked him: By which road will I reach the city sooner? This one, the child pointed out, is short yet also long and that one is long yet also short. Rabbi Joshua chose the former. Upon approaching the city he found it hedged by gardens and orchards. Turning back, he said to the child: My son, did you not tell me that this is the shortest road to town? The child retorted: You are a sage in Israel. Did I not say that this one is short yet long while the other is long yet short? Thereupon Rabbi Joshua exclaimed: Blessed is Israel that you are all wise, from the oldest to the youngest. Joshua then proceeded and encountered another child (*tinok*) who was holding a covered dish. He asked him: What

² R. L. Eisenberg, *Essential Figures in the Talmud* (Lanham 2013), 133–6, for a brief biography of the rabbi.

is it that you are covering? The child responded: Had my mother wished you to know what I have here she would not have instructed me to cover it. Continuing his journey, Joshua met as yet another child whom he asked: What kind of water do you have in this town? The child said: Why worry? Garlic and onions are plentiful. When Joshua entered the city he saw a girl (*tinoket*) standing and filling water from a well. He said to her: Give me some water to drink. She said: *Willingly, for you and for your animal too* (Gen 24:14). When he drank and turned to go he addressed her: My daughter, you did as Rebecca had done. She retorted: I did as Rebecca had done but you failed to follow Eliezer' (i.e. to reward her kindness with precious gifts as Abraham's slave had done).³

What are we to make of this series of enchanting episodes between the rabbi and the children who effortlessly put him in his place? There is no point in pondering their historicity, or lack of it, nor trying to establish the identity of the children. It is certainly likely that Joshua, like other rabbinic scholars, traveled far from home, and equally plausible that he met children during these travels. The anonymity surrounding both children and topography underscores the story's appeal beyond the particulars of names and localities.

By one modern reading, the girl who appears so confident and well versed in Scripture is used in the narrative in order to criticize independent knowledgeable females.⁴ By another modern reading these anecdotes provided a commentary, or rather a meditation on the ruins of the Temple, Jerusalem, and the nation.⁵ The ubiquitous presence of infants, each child with her/his riddle, served as a metaphor for post-destruction search of self-discovery and reconstruction. Children stood for a metaphor of a reborn nation henceforth linked not through a common beginning but through a collective recommencement.

We may interrogate the text in a different manner. Were the children deployed only to absorb them again into a species which embraced all those who were neither sages nor adult males? Should we believe that all Jewish children were capable of accosting formidable rabbinic figures who required a reminder of alienation and foreignness? Are these non-generic Jewish children, the kind that springs *ex nihilo* to embarrass

³ LamR 1.19 (Buber); BT Eruv 53b; Derekh Eretz Rabbah 6; G. Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature* (Stanford 2000), 191–200 on Joshua's "odyssey"; S. Valler, "Women's Talk – Men's Talk. Babylonian Talmud Eruvin 53a–54a," *REJ* 162 (2003), 421–45. The stories are related in amoraic (late ancient) Palestinian sources but they focus on a tanna, an earlier (pre-Mishnaic) rabbinic figure.

⁴ Valler, 441–2.

⁵ Hasan-Rokem, *Web*, also noting parallels with other riddles posed by children in LamR 1.12.

adults? Should we rather take them as genetically engineered beings who tell us more about the ways in which adults constructed childhood rather than about the genuine experiences of children? If the sage is distinctly out of his zone of comfort in these narratives, the children's agency is anchored in domestic, rural and urban spaces. Each child affirms its affinity with the landscape. They are shown at a crossroad providing directions, at a well whence they draw much needed water, and carrying food, all elements constituting the spice of life. Subjected to constant questioning, the relationship of children to adults is shown to be both of the greatest proximity and the greatest distance. Their confrontations interweave two separate strands, one about the idealization or imagery of childhood, the other about the experiences of childhood.

These were talkative children. In antiquity children, Jewish or otherwise, hardly ever spoke for themselves, or rather their words were rarely recorded. Herein lies one problem for anyone probing ancient Jewish childhood: How did texts, traditions and actualities function in rabbinic literature, our chief source of information for the period (c. 100 to c. 600 CE)? Right from the start, then, a study of Jewish childhood in the Roman world is confronted not with scarcity of children but rather with a problem of verification.⁶ Narratives like the children of rabbi Joshua's travels challenge the historian to go beyond textual analysis, literary riddles and feminist interpretation into accidental territories where the presence of children on the scene produces unexpected opportunities.

Rabbi Joshua's itineraries take readers through benign landscapes, full of helpful children and devoid of major road hazards such as robbers, wild animals and extreme weather. Reality could have been considerably less cheerful, for adults and children alike:

[To give a parable]: A man is walking along the road, conducting his child (son, *ben*) in front of him. If robbers threaten to seize the child its father must protect him by placing him behind. If a wolf threatens from behind, the father should place his child in front. If robbers threaten from the front and wolves from behind, the father must take up his child in his arms. If the child begins to suffer from the heat of the sun, the father stretches his own cloth over him. If the child happens to suffer from hunger his father provides him with food; if

⁶ Cf. Steve Mason's approach to Josephus' "reporting" the war against Rome which he defines as a work of literary art rather than as a mine of reliable historical data, S. Mason, *A History of the Jewish War AD 66–74* (New York 2016), *passim*.

thirsty, the father must give him a drink. [Just as God had done . . . with Israel].⁷

The protagonists of the parable, a helpless child, a concerned father, robbers and wolves, are assembled not to inform readers of the risks accompanying journeys, real as these were, but to drive home the unique relations between Yahweh and Israel. To lend verisimilitude to the metaphor, Rabbi Judah, who provides the parable, conjures a child whose safety and needs depend entirely on paternal kindness. The child is faceless and nameless, like the children who rendered assistance to Rabbi Joshua, but he presents the precise antithesis of the group that Joshua met. The children in the Joshua narratives are resourceful and outspoken; the child of the Mekhilta parable is mute and helpless albeit referencing conventional childhood with its ubiquitous threats.

What the stories also demonstrate is the double association of literary and visual references to children with the biblical text on the one hand and with contemporary realities on the other. The journeys depicted in the two quoted texts propose the permanence of childhood because children impart serenity and stability to rabbinic discourses. In their perpetual recreation of origin, rabbinic rules, ideas and ideologies carved and confirmed the identity of Jews by creating a semantic field of "minority." In order to exist there had to be a childhood.

Studying Jewish childhood in the Roman world prompts a paradox. Just as the rabbis could not skip childhood, we cannot avoid rabbinic texts. They provide the temporal framework, albeit one which intercalates the time of myth into the time of man, biblical unto contemporary. And they delineate the Land of Israel as the primordial terrain of rabbinic inspiration where terrestrial homes and cities are also situated. Jewish childhood is, in essence, largely the outcome of the intersection of rabbinic discourses with various aspects of childhood and with the experiences of children.

All rabbinic discussions emanate from the Torah (Pentateuch), each compilation aspiring to provide a correct, and often contested, interpretation of the legal foundations codified in the Torah. The Mishnah, a compilation of conversations around the countless questions arising from close perusal of the Torah, contains rules of conduct that embrace many aspects of Jewish life such as betrothal, marriage, adultery, divorce,

⁷ Mekhilta de Rabbi Ishmael, BeShallah 5. For a different interpretation, A. Goshen-Gottstein, "God the Father in Rabbinic Judaism and Christianity," *Journal of Ecumenical Studies* 38 (2001), 483–4.

purities and impurities.⁸ It was redacted at the beginning of the third century, when another rabbinic compilation on the same subjects, the Tosefta, was also produced. The Tosefta contains debates and rules that remained outside the redacted Mishnaic corpus. Both were further complemented by *midrashim*, exegetical compilations addressing biblical rules and biblical narratives. At the apex of rabbinic reconstructions of a post-Temple Jewish commonwealth stand two texts, the Palestinian Talmud and the Babylonian Talmud, the former redacted at the beginning of the fifth century in Palestine (Tiberias?), the latter at the beginning of the sixth in Sasanid Persia. These can be studied on their own, through comparative analysis of texts within the rabbinic corpora, as well as within the context of Jewish inscriptions, papyri-documents, synagogue paintings, synagogal liturgical poetry and comparisons derived from non-Jewish sources. I rely primarily on data produced in Palestine and the Roman Mediterranean.

Challenges abide. With the exception of Roman Palestine, we do not possess the wealth of dated monuments and legal texts that enable the reconstruction of changed attitudes to children, as Beryl Rawson did for second-century Italy.⁹ Chronological indications in rabbinic literature are rare and relative. The Palestinian Talmud, for example, can quote a sage who lived in the second century (even before the Mishnah was redacted), in the context of a late fourth-century debate. Nor do rabbinic compilations, in spite of their remarkable scope, contain sustained discussions of school curricula and exercises which enable us to reconstruct a child's daily routine, as Keith Hopkins did on the basis of bilingual Greek-Latin school texts.¹⁰ We do not have manuals of education like those produced by Quintilian and Ps Plutarch but there is sufficient information in rabbinic sources to outline the rudiments of elementary education as Catherine Hezser

⁸ F. Millar, E. Ben Eliyahu and Y. Cohn, *Handbook of Jewish Literature from Late Antiquity CE 135–700* (Oxford 2012); G. Stemberger, *Einleitung in Talmud und Midrasch* 9th edn. (Munich 2011); and *Rabbinic Texts and the History of Late Roman Palestine*, ed. M. Goodman and P. Alexander (Oxford 2010). The main rabbinic sources in the original Hebrew and Aramaic are available online. For an English translation with the original texts, www.RabbinicTraditions.com (the site of D. Instone-Brewer). Unless otherwise stated, the translations are my own.

⁹ B. Rawson, *Children and Childhood in Roman Italy* (Oxford 2003); for a brief survey of the strides made in the study of ancient, particularly Roman childhood, C. Laes, *Children in the Roman Empire: Outsiders Within* (Cambridge 2011) (Dutch original 2006), 15–18.

¹⁰ K. Hopkins, "Everyday Life for the Roman Schoolboy," *History Today* 43 (1993). See also, E. Dickey, *The Colloquia of the Hermeneumata Pseudodositheana* vols. 1 and 2 (Cambridge 2012 and 2015); W. M. Bloomer, *The School of Rome* (Berkeley 2011); and C. Dionisotti, "From Ausonius' Schooldays. A Schoolbook and Its Relatives," *JRS* 72 (1982), 83–125.

has done so masterfully.¹¹ Like many children in antiquity, Jewish children often died young. There are rabbinic rules regarding funerals, an exception in antiquity, but no consolation treatise, like the poignant letter that Plutarch penned for his wife on the death of their infant daughter.¹² These points do not imply that I wish to delineate a homogenized childhood. Rather, they highlight the fact that when we need to rely on a single source, vast and complex as rabbinic literature is, we may run the risk of emphasizing commonalities rather than diversity.

Matching the relative marginality of children in rabbinic compilations is the relative neglect of the study of Jewish childhood by scholars of ancient Judaism.¹³ I repeat. This is striking, particularly in view of the fashion so felicitously generated by Philippe Ariès' *Centuries of Childhood*. Exceptions are few and worth noting.¹⁴

That Jewish childhood in antiquity has been left largely intact also by scholars of Greek and Roman childhood(s) is due, in part, to language barriers. Lamentably, neither Hebrew nor Aramaic can be acquired through departments of classical languages, a fact that makes the bulk of ancient Jewish literature (Philo and Josephus notably excepted) all but a closed book to most classicists and ancient historians. The fragmentation of the contemporary academy into subdisciplines, with programs of Jewish

¹¹ C. Hezser, *Jewish Literacy in Roman Palestine* (Tübingen 2001), 39–109, with the recent caveats of B. J. Wright, “Ancient Literacy in New Testament Research. Incorporating a Few More Lines of Inquiry,” *Trinity Journal* 36 (2015), 161–89. For an online bibliography of literacy, writing and the making of books/scrolls in ancient Israel (www.cjconroy.net/bib/literacy).

¹² *Moralia* 608a–612b, with J.-M. Claassen, “Plutarch’s Little Girl,” *Acta Classica* 47 (2004), 27–50.

¹³ Echoed in the scant attention paid by Josephus to children or to childhood, A. Reinhartz and K. Shier, “Josephus on Children and Childhood,” *Studies in Religion* 41 (2012), 364–75. Note the statement of C. Hezser in her introduction to the *Oxford Handbook of Jewish Daily Life in Roman Palestine* (Oxford 2010), 5: “For Jewish childhood in antiquity no suitable author could be found.”

¹⁴ M. Satlow, *Jewish Marriage in Antiquity* (Princeton 2001) and A. Schremer, “Male and Female He Created Them.” *Jewish Marriage in the Late Second Temple, Mishnah and Talmud Periods* (Jerusalem 2003) (Heb.), on marriage of minors; also D. E. Weisberg, *Levirate Marriage and the Family in Ancient Judaism* (Waltham 2009) and E. Levine, *Marital Relations in Ancient Judaism* (Wiesbaden 2009). The comments of S. Schechter, “The Child in Jewish Literature,” *JQR* 2 (1889), 1–24 did not invoke subsequent discussions of childhood. Useful references to Jewish childhood in antiquity are found in S. Matzner-Bekerman, *The Jewish Child: Halakhic Perspectives* (New York 1984), whose main aim was to serve “as a resource both for parents and for educators and other professionals involved with Jewish children” (p. 1), and in J. Cooper, *The Child in Jewish History* (Northvale 1996). *Conservative Judaism* devoted an issue to “the Jewish child” 53.4 (summer 2001) covering subjects ranging from bar/bat mitzvah, Genesis, theology of childhood, Ishmael, education of Jewish Babylonian children, early childhood education, to *mamzerut*. *The Jewish Family in Antiquity*, ed. S. J. D. Cohen (Atlanta 1993) also contains information relevant to childhood. Especially useful and easily accessible are the excellent online entries that bear on female childhood in *Jewish Women’s Archive*.

studies effectively set apart from history, classics, archaeology, art history and religion, has further deepened the chasm between classically trained ancient historians and talmudically oriented scholars.¹⁵ In this book I set out to build bridges between disciplines and between the study of childhood/children in antiquity and the study of ancient Jewish childhood/children. But I cannot address and redress in a single study the ever-growing gap between the vibrant field of ancient childhood studies and the concomitant neglect of Jewish childhood. Such disparity also banned detailed comparisons.¹⁶

Biblical children have fared much better than “rabbinic” children.¹⁷ The afterlife of biblical child protagonists in post-biblical writings has also received attention.¹⁸ Scholars of Early Christian childhood and of infancy gospels have regularly incorporated sections on Jewish childhood. The work of Reidar Aasgaard, Odd Bakke, Cornelia Horn, John Martens and Robert Phenix, to mention but a few, has been especially useful in pointing to rabbinic precedents within wider analytical frameworks.¹⁹ These studies suggest that in some respects Christianity made a difference in the lives of children. Caution is advised. Change may have been in the air already from the Augustan legislation on family and children. In the second century, Trajan and Hadrian issued laws

¹⁵ As put in no uncertain terms by A. Richlin: “Classics kicked out the Jews [already] in the 19th century” in her article “Sexuality and History,” in *The Sage Handbook of Historical Theory*, ed. N. Partner and S. Foot (London 2013), 299.

¹⁶ The notes provide ample indicators for anyone interested in comparing the Jewish material with non-Jewish material.

¹⁷ L. W. Koepf-Taylor, “*Give Me Children Or I Shall Die*”: *Children and Communal Survival in Biblical Literature* (Minneapolis 2013); *The Child in the Bible*, ed. M. J. Bunge, T. E. Fretheim, and B. R. Gaventa, (Grand Rapids 2008); J. Fleishman, *Parent and Child in the Ancient Near East and the Bible*, (Jerusalem, 1999) (Heb.); idem, *Father-Daughter Relations in Biblical Law* (Bethesda 2011), to mention but a few. Especially significant is the study of R. Lewis Avissar, *Children and Childhood in the Material Culture of Land of Israel from the Middle Bronze Age to the Iron Age* (PhD Bar Ilan University 2010) (Heb.).

¹⁸ B. Miller, “*Tell It on the Mountain*”: *The Daughter of Jephthah in Judges 11* (Collegeville 2005); Sivan, “Ancient Jewish Traditions: Moses’ Infancy and the Remaking of Biblical Miriam in Antiquity,” in *Centuries of Childhood. Perceptions of Children in the Ancient and Medieval World*, ed. R. Aasgaard and C. Horn (London 2017) (in print).

¹⁹ C. B. Horn and J. W. Martens, “*Let the Little Children Come to Me*”: *Childhood and Children in Early Christianity* (Washington 2009); *Children in Late Ancient Christianity*, ed. C. B. Horn and R. R. Phenix (Tübingen 2009); O. D. Bakke, *When Children Became People: The Birth of Childhood in Early Christianity* (Minneapolis 2005); R. Aasgaard, *The Childhood of Jesus: Decoding the Apocryphal Infancy Gospel of Thomas* (Cambridge 2009). For a brief overview, B. Leyerle, “Children and ‘the Child’ in Early Christianity,” in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 559–79, for a brief summary. On “learning letters,” S. J. Davis, *Christ Child: Cultural Memories of a Young Jesus* (New Haven 2014), and Chapter 3 (bringing up boys).

regarding *alimenta*, imperial subsidies for needy children and their families.²⁰

This book seeks to articulate Jewish childhood and the experiences of growing up Jewish. At the root of the investigation is a desire to generate a physiognomy of Jewish childhood in antiquity. I follow minors into the spaces where they lived, learned, played, slept and died. I examine the actions and interaction of children with other children, with close-kin adults and with strangers, at home and beyond the domicile. Using the varying angles where childhood was exposed, I attempt to identify the effects of ancient representations on our understanding of the subject.²¹

Methodological Matters

When children were sent as public emissaries to Hanan, the elusive grandson of the famed Honi the Circle Maker (mid-first-century BCE), in order to plead for rain, we are told that they seized the hem of the man's cloak. The gesture, due to children's height, could not have been executed to the same effect by adults. Thus cornered, the children kept chanting in Hanan's ears (in Aramaic):

Father, father, give us rain
(*abba, abba, hav lan mitra*) (BT Taan 23b)

In response, Hanan formulated a prayer that responded to the communal need while, apparently, mocking the messengers:

Master of the Universe, do it [i.e. bring rain] for the sake of those who are unable to distinguish between the Father (*abba*) who gives rain and the father (*abba*) who does not (BT Taan 23b).

The story was redacted centuries after the events.²² Details may be doubted but not the situation which engendered the request. Roman Palestine, as well as other areas of the ancient Near East, experienced periodic droughts throughout history. How likely was it that children, rather than adults, would have been chosen for the delicate task of convincing a reluctant man to perform a much-needed miracle? Hanan's prayer provides an ambiguous answer. It is directed as a plea to God the Father to bring rain. It may

²⁰ Below, Chapter 8.

²¹ Needless to say, there are areas that merit expansion but fall outside the purview of the present study, such as naming practices and networking. See the multivolume *Lexicon of Jewish Names in Late Antiquity*, ed. T. Ilan (Tübingen 2002–2012). Cf. Y. Broux, "Graeco-Egyptian Naming Practices: A Network Perspective," *GRBS* 55 (2015), 706–20.

²² On its larger context, J. W. Belser, *Power, Ethics and Ecology*, 166f.

also be interpreted as an endorsement of the children's innocent mixing of paternity, or as a reproof of a community that chose messengers incapable of distinguishing between a Father (God) and a father (Hanan).

To make matters more complex, the story was inserted into a series of anecdotes featuring Honi and his grandsons as miracle makers in times of drought, each narrative dwelling on the identity of the senders, the messengers and the reaction of the holy man accosted with the demand to produce rain (BT Taan 22–23). The Babylonian redactor of these episodes used them not to inform audiences of droughts or of children's agency but to highlight different approaches, Babylonian and Palestinian, to public crisis. In Jewish Babylonia, the community embarked on collective prayer; in Jewish Palestine children were employed to solicit succor from a single man. Although the identity of the children is never disclosed, nor was it relevant, I see no reason to reject the veracity of their momentary empowerment. The alternative would have been simply not to have the children speak at all.

I am using this vignette to illustrate a few of the difficulties involved in basing a study primarily on rabbinic compilations that readily embedded material garnered from generations of sages, often regardless of precise chronology. We can reasonably assume that tannaitic corpora (i.e. Mishnah, Tosefta, tannaitic midrashim) incorporated material dating between the first and the early third century, but how do these relate to each other? The long-accepted relationship between the Mishnah and the Tosefta, the former antedating the latter, has been recently doubted. Judith Hauptman has consistently advanced a rereading of the Mishnah in light of the often older Tosefta material rather than the other way around.²³ What, moreover, was the relationship between early (tannaitic) compilations and late ancient (amoraic) rabbinic compilations? Did the redactors of the Palestinian Talmud rely primarily on the Mishnah? Tizah Meacham has shown that in the case of the tractate Niddah (menstruant), the Tosefta, rather than the Mishnah, framed the discussion of the Palestinian Talmud.²⁴ And what do we make of rulings and sayings that neither the Mishnah nor the Tosefta preserved (*baraita*/s) but that somehow found their way into the redacted Talmuds?

²³ J. Hauptman, *Development of the Talmudic Sugya. Relationship between Tannaitic and Amoraic Sources* (Lanham, MD 1988) and eadem, *Rereading the Mishnah. A New Approach to Ancient Jewish Texts* (Tübingen 2005).

²⁴ T. Meacham, "Tosefta as Template: Yerushalmi Niddah," in *Introducing Tosefta. Textual, Intratextual, and Intertextual Studies*, ed. H. Fox and T. Meacham (Hoboken 1999), 181–220.

Another thorny issue relates to the conspicuous im/balance of primary documentation between the exceptionally verbal rabbinic community of Roman Palestine (and of Sasanid Persia/Babylonia) and the largely epigraphic Diaspora where Jewish voices were mostly heard through commemorations of either death or donations. In the absence of narratives how can we contextualize monuments and inscriptions? Should we use Palestinian evidence to reconstruct Diaspora childhoods? The precise nature and extent of contacts between the rabbinic centers in Palestine and Jewish communities around the Mediterranean Diaspora has been a subject of fierce scholarly discussions.²⁵ We know that Diaspora Jews continued to send money to support the institution of the Palestinian patriarchate (*nesiut, nasi*). But we do not know how many Jews, either in the Diaspora or in the Land of Israel itself, abided by rabbinic rules.²⁶ The majority, if Seth Schwartz is correct, in both Roman Palestine and the Diaspora were Torah-oriented rather than rabbinic-oriented Jews.²⁷ We might as well ask how Jewish was the life of a child in the Mediterranean Diaspora of Roman antiquity and what did it mean to be a Jewish child in a town with a gentile or even Christian majority?²⁸

²⁵ A. Edrei and D. Mendels, "A Split Jewish Diaspora I and II," *JSP* 16.2 (2007), 91–137, and 17 (2008), 163–87; A. Collar, "The Jewish Diaspora in the West: The Rabbinic Reforms, Ethnicity and the (Re?)Activation of Jewish Identity in eadem," *Religious Networks in the Roman Empire* (Cambridge 2013), 146–223.

²⁶ R. S. Kraemer, *Her Share of the Blessings: Women's Religions Among Pagans, Jews, and Christians in the Greco-Roman World* (Oxford 1992), 107 suggests that "except for the prescriptions of the rabbis themselves, we have no evidence for [applying rabbinic rules to] women's separating dough, baking Sabbath bread, lighting Sabbath candles, or observing kashrut or niddah, the laws of menstrual purity" and that "significant evidence suggests that observance of ritual prohibitions outside of rabbinic circles was often weak" (p. 99). Her opinion is supported by P. van der Horst, "Jewish-Greek Epigraphy in Antiquity," in *The Jewish Greek Tradition in Antiquity and the Byzantine Empire*, ed. J. K. Aitkin and J. Carleton Paget (Cambridge 2014), 215–28 on the decidedly non-rabbinic nature of Diaspora Judaism. See also C. Hezser, "Social Fragmentation, Plurality of Opinion, and Nonobservance of Halakhah: Rabbis and Community in Late Roman Palestine," *JSQ* 1 (1993/94), 234–51, on realia, halakhic instability and rabbinic discord. Cf. the discussions of recommended rabbinic age of marriage versus epigraphic statistics in Satlow, *Marriage* and in Schremer, *Marriage* (see Note 14).

²⁷ S. Schwartz, *Imperialism and Jewish Society 200 BCE–640 CE* (Princeton 2001), passim, reiterated in idem, *The Ancient Jews from Alexander to Muhammad* (Cambridge 2014), passim, esp. 117, now further developed by N. B. Dohrmann, "Can 'Law' be Private? The Mixed Message of Rabbinic Oral Law," in *Public and Private in Ancient Mediterranean Law and Religion*, ed. C. Ando and J. Rüpke (Berlin 2015) on the emergence of rabbinic Judaism between the second and fourth centuries in the eastern Roman empire as a startlingly novel phenomenon, a "recusal from Roman legal life and the normative order proffered by the Empire" (p. 201).

²⁸ I refrain from delving into another scholarly debate on the range and meaning of "Mediterranean," see W. V. Harris, ed. *Remaking the Mediterranean* (Oxford 2005), passim.

In cognizance of such matters I can merely reiterate the obvious, namely that what we know about childhood and children amounts to a map of conjectural reconstructions. We are, however, entitled to look behind ideals and models to find concealed events and hidden realities. The boundary between rabbinic discourses and representations is not an easy one to trace or to contextualize. Take the astonishing proliferation of late ancient synagogues in Roman Palestine, each with colorful floor mosaics, many with biblical scenes. Should we see these as indicators of a new approach, Jewish but not rabbinic, to teaching Scripture, formulated perhaps in response to the increasing use of pedagogical imagery in Christian sanctuaries?²⁹

My own uneasiness with the facelessness and anonymity of Jewish children engendered a multilayered approach which combines conventional academic discourse with creative nonfiction. The former is presented by way of an analytical overview of themes related to childhood. The latter stems from my conviction that to gain a sense of the genuine voice of children we must embark on hypothetical but not improbable trails. Hence I endow a few children with an autobiography. Critics overtly sensitive to the confusion of temporality and to the intrusion of the imagination may be baffled, even angry. I offer solace in the accompanying network of detectable cross references.³⁰ I also insert countless quotations from the primary sources because I wish to reach beyond “the dialogue of the deaf” by offering readers, scholars and students of childhood in every period, a window into the rich and varied spectrum of rabbinic constructs of Jewish childhoods.³¹

²⁹ On the ongoing controversy surrounding the date of late ancient Galilean and Golanite synagogues, Sivan, *Palestine in Late Antiquity* (Oxford 2008), for a brief overview. On the use of mosaics as pedagogy, Sivan, “Pictorial Paideia: Children in the Synagogue,” in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 532–55; and Chapter 6. On synagogue mosaics in the wider context of the visual art of Palestinian sanctuaries see R. Talgam, *Mosaics of Faith. Floors of Pagans, Jews, Samaritans, Christians, and Muslims in the Holy Land* (College Park and Jerusalem 2014), linking synagogue mosaics with the sanctification of synagogue space in late antiquity. The shift in the status of synagogues was evidently matched by the absence of Jewish votive offerings from the archaeological and literary sources between the first and the fourth centuries, M. Satlow, “Giving for a Return: Jewish Votive Offerings in Late Antiquity,” in *Religion and the Self in Antiquity*, ed. D. Brakke, M. L. Satlow and S. Weitzman (Bloomington 2005), 91–108, esp. 99.

³⁰ Cf. J. Toner’s enchanting *The Roman Guide to Slave Management: A Treatise by Nobleman Marcus Sidonius Falx* (London 2014).

³¹ For the phrase, N. Loraux, *The Children of Athena* (Princeton 1993), 4.

Is This Really Benjamin or How to Interpret the Material Culture of Jewish Childhood?

Sandwiched between the first part (theories) and the third part (narratives) of this book is a section focusing on visual representations and visual literacy. Like rabbinic texts, and similarly difficult to unravel, these images present a subtle experimentation with forms of engendering and gendering childhood, as well as with parentage. Synagogal wall paintings and mosaics, subjects of the middle part of this book, underscore the winding paths of biblical myths as they are lifted from texts and traditions and translated into images. Placed in public, specifically in sanctuaries, these pictures aspire to connect biblical myths with contemporary beholders and biblical childhood with children viewers. The rabbis collared God into sharing their learning space; the visual appropriation of biblical narratives featuring children reinforced the founding role of the Bible in spaces where children lived. At the intersection of myth and history these pictorials examine parental roles vis-à-vis children, and how the mis/fortunes of childhood shaped communications between God and Israel, God's children.

Herein lies another paradox. There are many children on the walls of the Dura Europos synagogue. We can see baby Moses, adolescent Miriam, David and Esther, an unnamed resuscitated child of a widow from Tyre, a marching child in front of the Exodus column, and several cheerful children celebrating sukkot during the (re)dedication of the Temple. Yet we cannot identify their appearance with faces belonging to their living counterparts in third-century Dura. Similarly, while we have a fair number of tombstones which bear inscriptions commemorating the untimely death of children, none bears an image, concrete or generic, of the deceased. Even when, finally, we seem to be on surer ground in attaching a name to an image, the endeavor may prove delusional.

I am referring to a funerary stele found on the banks of the Danube in the province of Pannonia. The stele encloses a family portrait with three figures, two adults and a couple. A Greek inscription identifies the former as a couple named Anastasius and Decusane, and the latter as their child, Benjamin, a Jewish name by all accounts (P.1).³² The boy is holding a bird.

³² *Ubi Erat Lupa* no. 3121 (www.ubi-erat-lupa) for images, text and bibliography. I am very grateful to Dr. Ortlof Harl for permission to reproduce these images. Noy et al. *IJO I* Panz, for date (late fourth or late third/early fourth for the Jewish reuse) and discussion. J. Mander, *Portraits of Children on Roman Funerary Monuments* (Cambridge 2013), 307 Nr. 703. Provenance unclear, possibly Acquincum. On this and other Pannonian monuments featuring children, including a miniature four-year-old fully armed soldier, C. Behling, "Kinder des Ostens. Spätantike und frühchristliche Kinderdarstellungen im heutigen Ost- und Südosteuropa," *AAAH* 62 (2011), 163–73.



P.1. Tombstone of Benjamin's family. Source: *Ubi Erat Lupa*. Courtesy: Dr Ortolf Harl

His upper body is carefully positioned against his mother's bosom, her right hand tenderly covering his right shoulder. Over Benjamin's chest is a chiseled menorah (candelabra), the quintessential Jewish symbol of antiquity. There are three such menorot (candelabras) on the tombstone, complemented by the thrice engraved "God is One" (*eis theos*) in Greek lettering.³³ At first glance it would appear that, finally, we are gazing at a

³³ On the troubled history of this invocation see, among many, M. Meerson, "One God Supreme: A Case Study of Religious Tolerance and Survival," *Journal of Greco-Roman Christianity and Judaism* 7 (2010), 32–50, esp. 43 on the pagan, Gnostic, Samaritan and Jewish associations of "eis theos." See also L. Di Segni, "Eis Theos in Palestinian Inscription," *SCI* 13 (1994), 94–115, pointing to largely Christian context for this invocation. The foundational study remains, E. Peterson, *Eis Theos* (Göttingen 1920). Perhaps the addition of the menorot was calculated to dispel doubt about the religious affiliation of the dead Benjamin and his parents.



P.2. Detail: “Benjamin”. Source: *Ubi Erat Lupa*. Courtesy: Dr Ortoft Harl

Jewish family, child, mother and father, who lived, or rather died in the Diaspora of Roman Pannonia.

Our incipient joy at beholding the genuine features of a Jewish child is, alas, quickly tempered.³⁴ Neither Benjamin nor his parents had been the

³⁴ Cf. the debate about the sarcophagus’ lid of a child from the Jewish catacombs of Monteverde (Rome), whose Jewish identity is solely determined on the basis of its provenance. The lid shows a small boy half reclining on a cushioned couch, holding in one hand a bunch of grapes, at which two birds are pecking, while caressing a tiny dog with his other hand, H. J. Leon, *The Jews of Ancient Rome* (Philadelphia 1960), 210–11 for discussion of provenance and problems; E. R. Goodenough, *Jewish Symbols in the Greco-Roman Period* III (New York 1953) no. 736. See also J. Huskinson, *Roman Children’s Sarcophagi. Their Decoration and Social Significance* (Oxford 1996), catalog I.49 (early third century). For similarly reclining children on funerary monuments, H. Wrede, “Der Sarkophagdeckel eines Mädchens in Malibu und die frühen Klinensarkophage Roms, Athens und Kleinasien,” *Roman Funerary Monuments in the Getty Museum* 1 (1990), 15–46.

original occupants of the grave or the subject of its original epitaph. The bodies of Benjamin, Anastasius and Decusane were laid to rest in a grave which originally had been decorated with a Latin inscription commemorating a different family altogether. It consisted of the twenty-five-year-old Claudia Maximilla and her thirty-seven-year-old husband, Domitius Domnio.³⁵ Claudia's two sisters, Aurelia Urbana and Aurelia Ingenua, erected the monument for their well-deserving sibling. There is no reference to a child. But, unlike the incised Jewish symbols and inscription, Benjamin's portrait bust was not a late addition to the original stele. Is this, then, really Benjamin?³⁶ What is the relationship, if any, between the two families, Benjamin's and Claudia's?

There is no clue regarding the religious affiliation of Claudia, her sisters or Domitius. If, as has been generally assumed, the stele was reused perhaps a century or so after the pious sisters erected the memorial we may well ask why, of all the handsomely engraved funerary monuments in the cemetery, Benjamin's family selected this one? Why did they take the trouble to add an identifying faith inscription as well as to place additional symbols and proclamations?³⁷ Should we venture to propose that the two recorded families were, after all, related, each electing to express its grief in different religious terms?³⁸

³⁵ On the reuse of stelae in the late ancient and medieval Mediterranean, M. Greenhalgh, *Marble Past, Monumental Present: Building with Antiquities in the Mediaeval Mediterranean* (Leiden 2009), passim. Although widespread, only rarely were figural stelae reincised with new names or with recarved heads, Greenhalgh, 205. For examples of reuse of a Julio-Claudian funerary stela with an addition of a second century inscription, J. B. Grossman, *The Athenian Agora XXXV. Funerary Sculpture* (Princeton 2013), 216 and passim.

³⁶ And who is the elusive fourth member of Benjamin's family, hinted at in the preposition "and" which follows Benjamin's name on the tombstone (ΜΗΜΟΙΑ ΑΝΕΣΤΑΣΙΟ ΕΤ ΔΗΚΟΥΣΑΝΙ / ΕΤ ΒΗΝΕΙΑΜΙ ΕΤ ΦΕΙΛΕΙΩ / ΝΟΣΤΡΩ)?

³⁷ S. Fine, "How Do You Know a Jew When You See One? Reflections on Jewish Costume in the Roman World," in *Fashioning Jews. Clothing, Culture, Commerce*, ed. L. J. Greenspoon (West Lafayette IN 2013), 19–27, assumes that the original family was not Jewish but that the Jewish family buried there later bore sufficient physical resemblance to the original polytheistic family so as to avoid changing the actual portraits. For a sophisticated approach to "ethnicity" gender and identity, S. J. D. Cohen, "'Those Who Say They Are Jews and Are Not.' How Do You Know a Jew in Antiquity When You See One," in idem, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley 1999), 25–68, concluding that looks, clothing, speech, names, occupations and even circumcision were sometimes signs of identity in some localities and most times were not, nor was it possible to tell a (living) Jew by association, or observance, although the latter appears as the least fallible criterion. For a similar inquiry in a different context, W. Pohl, "Telling the Difference: Signs of Ethnic Identity," in *Strategies of Distinction. The Construction of Ethnic Communities*, ed. W. Pohl and H. Reimitz (Leiden 1998), 17–69.

³⁸ On religious symbols and their interpretation, R. S. Kraemer, "Jewish Tuna and Christian Fish: Identifying Religious affiliation in Epigraphic Sources," *HTR* 84 (1991), 141–62.

Secure in his mother's embrace, Benjamin gazes at us. Perhaps his corpse had been laid to rest with an amulet to ensure a safe journey to heaven. This is what the family of another Pannonian boy in present-day Halbtürn (modern Austria) did when it placed in his coffin a tiny golden leaf incised with the Hebrew Shema prayer ("Hear O Israel," Deut 6:4), written in Greek letters.³⁹ This was a token of affection if not of religiosity.

Benjamin's family expanded remarkable efforts to perpetuate the specific faith-memory of their child's identity. But images have their own language, and the Jewish corpus of Diaspora inscriptions contains many words and few visuals, none with a portrait of the dead, child or adult. This constant interplay between symbols and gestures, metaphors and realities, texts and interpretation, undergirds the present investigation. These are the means to present and to analyze the diverse performances of Jewishness through the unique and often peculiar lens of childhood.

Structure, Chronology and Chapters

The first part of the book is largely theoretical, the second deals with visuals and the third unfolds four "case" studies. All three are designed, in dramatically different ways, to demonstrate how Jews created cultural expressions that aspired to cultivate a childhood set apart from the non-Jewish mainstream(s). All parts suggest that childhood(s), as fashioned and as lived, expressed a consciousness that in some ways was as much of an artifice as the childhood projected and codified in contemporary writings, pagan and Christian.

Part I presents the evidence grouped around several themes that highlight gender commonalities and more often differences, combining to articulate perceptions of childhoods, patterns of behavior proper to children and subjective expectations. In the intermediate part, I meditate on images and how these address and redress childhoods of biblical myths.

³⁹ On the Halbtürn find, dated paleographically to the second to third centuries, see the articles gathered in *The Journal of Ancient Judaism* 1 (2010), 139–245. On the Hebrew-Greek inscription of the gold amulet, M. Bar Asher, *Studies in Classical Hebrew* (Berlin 2014), 103–8 and G. Bohak, "Greek-Hebrew Linguistic Contacts in Late Antique and Medieval Magic Texts," in *The Jewish-Greek Traditions in Antiquity and the Byzantine Empire*, ed. J. K. Aitken and J. Carleton Paget (Cambridge 2014), 247–60, esp. 249–50 on transliterated Hebrew as an imitative act of non-Jewish Diaspora vogues. On the larger context of the find, N. Doneus (ed.), *Das kaiserzeitliche Gräberfeld von Halbtürn. Burgenland I* (Mainz 2014). The religious identity of the buried child remains unclear. On the difficulties establishing Jewishness in the epigraphical record Cf., C. Onofrei, "The Jews in Roman Dacia. A Review of the Epigraphic and Archaeological Data," *Ephemeris Napocensis* 24 (2014), 221–36.

In the third part I empower children to speak for themselves while anchoring their narratives in the archaeological, art historical and literary documentation, which are strategically deployed to articulate what the sources never specifically disclose. These “case” studies, placed in four locations during specific Jewish celebrations, are the result of a search for a sense of the authentic experiences of children. Their selection was dictated by the availability and pliability of the primary evidence.

Throughout this book, my quest has been shaped by several questions: to what extent did the childhoods that emerge from the sources perpetuate a specific kind of Jewishness? How domesticated were rabbinic rules relating to children? How did rabbinic idioms of childhood operate in public and private contexts? How did adult Jews use/exploit children to parade, emphasize or question their Jewishness? In other words, how did Jewish children configure in Jewish adults’ identity? How different would have been Jewish childhood in the provinces nearer and further away from Palestine? Is it possible to contemplate regional expressions of what it meant to be a Jewish child in, say, second-century Palestine as opposed to second-century Ostia, or in third-century Tiberias as opposed to fifth-century Alexandria? The sources provide only limited insights into these questions. Yet to ask how childhood was constituted in textual and visual expressions of Jewishness is to explore the social cohesion of a community and how children could participate in its religio-civic discourse.

In the theoretical chapters of the first part I strive to explore how the performance of childhood obligations and rituals signified Jewishness. I am asking: what were the cultural markers of childhood and how did these contribute to either isolation or assimilation from other cultural expressions? The selective incorporation of children into envisioned communal life shows how the cultivation, and neglect, of childhood has become an integral component of Jewish engagement with a common past in a specific sociopolitical-economic context. I remain, however, somewhat pessimistic about tracing a historical evolution of the category “child” or indeed of rabbinic conceptualizations of childhoods.

Chapter 1, theorizing childhood, deals with categories and stereotypes. It opens with a rapid survey of theories of lifecycle which, in spite of their conventionality, represent several novelties of rabbinic thinking about childhoods. I follow with numerology, specifically the pairing of specific ages with specific actions or obligations of children, showing how these were designed to integrate children, literally from birth, into the complexities of Jewish familial responsibilities. I end this chapter with an overview

of the meaning of “minority,” the most important category of childhood, widely used to designate children in rabbinic compilations.

Chapter 2 reviews the vagaries of childhood from the cradle to the grave, dwelling on moments and activities that punctuated the life of a Jewish child, mostly male and, to a lesser extent, female. It begins with prenatal negotiations in light of Jewish betrothal agreements. Alone of marital contracts in antiquity, Jewish contracts of betrothal contained a “children clause,” which obligated future fathers to look after the needs of children born in wedlock. The length of this period of obligation was hotly contested in rabbinic circles. The core of this chapter revolves on explorations of spaces of childhood, home, outdoors, school and synagogue, and the labor market. Each of these spaces entailed a different set of behaviors, each shaped forms of childhood and its Jewish contents. I end with a rapid review of the causes of untimely death and its commemorative modes.

Chapters 3 and 4 examine, respectively, the formative stages of the grooming of male and female Jews. Their structure corresponds to specific stages of the lifecycle of male and female children as projected in rabbinic texts. The chapter on bringing up boys accompanies boys from the moment of circumcision and the redemption of the first born on the thirtieth day of life, through the rules relating to ritual, sexual, physical and mental maturation that mold boys into men. I end with the making of a working Jew in preparation for a life of labor and family commitments. The fourth chapter focuses on daughters, from the ambiguous reception accorded to a newly born female through the formative stages that accompanied a daughter’s adolescence. I dwell on the twin themes of puberty and purity which prepared daughters for a lifelong commitment to the rules of *niddah* (menstruation). I discuss the contribution of daughters to the household’s economy and the concomitant cost of injured girls and I explore the tenuous links between learning and gender.

In the fifth chapter, I turn to liminal childhoods, focusing on children whose birth was marked by legal and physical disabilities. I begin with children branded as “bastards” (*mamzerim*) or illegitimate, the result of sex considered unlawful. In spite of the relatively ample space devoted to “bastards” in ancient Jewish writings, there is no description of the childhood envisioned for a child thus burdened at birth, with one curious exception, a Jewish childhood gospel known as The Hi/Story of Jesus (*Toldot Yeshu*), which described in detail actions ascribed to the child Jesus. In the second section of this chapter, I deal with four categories which defy the binary foundations of rabbinic gender thinking, namely, *androgini*, *tumtums*, *sarisim*, *ayloniot*. I end with a section on children with physical

and mental disabilities, and with a brief discussion on child exposure. Underlying the investigation of children born with legal and physical impediments are questions of identity and integration into a community that put a premium on unblemished bodies. Unavoidably, there is some repetition, not the least due to reliance on the same or similar rabbinic quotations when referring to different yet linked matters.

Two transitional chapters (Part II) address painted children and their contemporary viewers in the context of the synagogues of the Diaspora and of the Land of Israel. With these images we enter a world of biblical myths whose essence was endlessly repeated and whose goal was the integration of children into liturgical space and time. How did these synagogue visuals accommodate the reality of childhood on the Roman frontier or in Roman Palestine?

Four chapters follow, each with a reconstructed “autobiography” of a child within a specific liturgical time.⁴⁰ I begin with Jesus of Arabian Mahoza, who lived and died during the revolt of Bar Kokhba (132–5). His last act as a Jew was to participate in the feast of the Tabernacles (*sukkot*) in a Judean desert cave, where he and his mother sought refuge from Roman retaliation. I continue with a girl living in Ostia, Rome’s port, a baker’s apprentice in a city known for its grain import and mills. She is celebrating Passover c. 175, just after the Antonine plague. I return to Palestine with a boy living in Tiberias c. 300, son of a fishmonger, during one of the Sabbaths regularly celebrated in his town. I conclude with a girl born in Alexandria c. 400, a forerunner of the “wandering Jew.” Forced to leave her home, she wanders throughout the Mediterranean, from Minorca to Crete, in search of respite from persecution and in the hope of living a Jewish life in an accommodating Diaspora.

⁴⁰ See also the introduction to Part III.

Abbreviations

1 QM	The War Scroll (Qumran cave 1)
1QSa	Qumran, Cave 1, Rule of the Congregation
AAAH	Acta Antiqua Academiae Scientiarum Hungaricae
AJ	American Journal of Archaeology
AJS Review	Association for Jewish Studies Review
ANRW	Aufstieg und Niedergang der römischen Welt
ARN	Avot de Rabbi Nathan A or B, <i>Avot de-Rabbi Natan. Synoptische Edition beider Versionen</i> , ed. H.-J. Becker (Tübingen 2006)
Arak	Arakin (assessments, relevant to the value of vows)
Avot	(fathers, sayings of)
AZ	Avodah Zarah (idolatry)
BAR	Biblical Archaeology Review
BB	Baba Bathra (last gate; rulings on property and inheritance)
Bekh	Bekoroth (first born, primogeniture)
Ber	Berachot (blessings or benedictions)
Bezah	Yom Tov (egg; holiday regulations)
Bikk	Bikkurim (first fruits)
BK	Baba Kamma (first gate, rulings on damages and compensation)
BM	<u>Baba Metzi'a</u> (middle gate; rulings on profits and wages)
BT	Babylonian Talmud
CHJ	Cambridge History of Judaism
CJ	Classical Journal
CP	Classical Philology
CPJ	Corpus Papyrorum Judaicarum (Tcherikover and A. Fuks), 3 vols. (Cambridge, MA 1957–1964)

CTh	Codex Theodosianus (Mommсен and Meyer); Eng. Trans. C. Pharr, <i>The Theodosian Code and Novels</i> (Princeton 1952)
D	Digest (Justinian's Digest)
Dem	Demai (doubtful, relating to tithing)
Deut.	Deuteronomy
EccR	Ecclesiastes Rabbah (=Kohelet Rabbah)
Eduy	Eduyyoth (testimonies)
Eruv	Eruvin (mixture or blending, of courtyards and food for Sabbath)
Gen.	Genesis
GenR	Genesis Rabbah (Midrash)
Git	Gittin (bills of divorcing)
GRBS	Greek, Roman and Byzantine Studies
Hag	Hagigah (festival, offering/appearance during)
Hal	Hallah (dough or cake, offering)
Hor	Horayot (rulings, decisions)
HSCP	Harvard Studies in Classical Philology
HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
Hull	Hullin (non-holy, profane)
IEJ	Israel Exploration Journal
IJO	Inscriptiones Judaicae Orientis
INJ	Israel Numismatic Journal
Inst.	Gaius' Institutes
JANES	Journal of the Ancient Near Eastern Society
JIWE	Jewish Inscriptions of Western Europe, ed. D. Noy, 2 vols. (Cambridge 1993–1995)
JJS	Journal of Jewish Studies
JQR	Jewish Quarterly Review
JRA	Journal of Roman Archaeology
JRS	Journal of Roman Studies
JRSS	Journal of the Royal Statistical Society
JSIJ	Jewish Studies: An Internet Journal
JSJ	Journal for the Study of Judaism
JSOT	Journal for the Study of the Old Testament
JSP	Journal for the Study of the Pseudepigrapha
JSQ	Jewish Studies Quarterly
Kel	Kelim (utensils, vessels)
Ket	Kerithoth (excision, extirpation)

Ket	Ketuboth (marriage contracts/settlement)
Kid	Kiddushim (betrothal)
Kil	Kil'ayim (mixtures, rendered unlawful)
Kin	Kinnim (bird nests, bird offerings)
LAB	Liber Antiquitatum Biblicarum, Pseudo Philo
LamR	Lamentations Rabbah (=Eikha Rabbah)

The Book of the Laws of the Countries: Dialogue on Fate of Bardaisan of Edessa
(Assen 1965)

LevR	Leviticus Rabbah (=Vayikra Rabbah)
M	Mishnah
Ma'as	Ma'aseroth (tithes, first)
Mak	Makshirin (predisposition, to defilement)
Makk	Makkoth (floggings, punishments)
Me'ilah	(trespass, sacrilege)
Meg	Megillah (the scroll, of Esther)
Men	Menahoth (meal-offerings)

Mekhilta Lauterbach J. A. Lauterbach, *Mekilta de-Rabbi Ishmael: A Critical Edition on the Basis of the Manuscripts and Early Editions with an English Translation, Introduction, and Notes* (Philadelphia 1961) Midd Middoth (measures, dimensions, of the Temple)

Miqvaot	(immersion pools)
MMT	Miqsat Maase Ha-Torah (Dead Sea Scrolls)
MQ	(or MK) (minor festivals)
MS	Ma'aser Sheni (second tithe)
Naz	<u>Nazir</u> (nazirite vows)
Ned	Nedarim (vows)
Neg	Nega'im (leprosy)
Nid	Niddah (menstruant)
Num.	Numbers
Ohol	Oholoth (tent)
Orlah	(uncircumcision, first fruit of trees)
P	Papyrus
Parah	(heifer, red)
Pe'ah	corner (of a field)
Pes	Pesachim (Passover or paschal lambs)
PT	Palestinian Talmud
REJ	Revue des Études Juives
RH	Rosh Hashana (New Year)

San	Sanhedrin (court, of justice)
SCI	Scripta Classica Israelica
Shab	<u>Shabbath</u> (Sabbath)
Shek	Shekalim (money/temple tax)
Shev	Shevi'ith (seventh, sabbatical year)
Shev	Shevuot (oaths)
Sifre	<i>Deuteronomy Sifre Devarim</i> , ed. L. Finkelstein, trans. M. Jaffe (http://jewishstudies.washington.edu/book/sifre-devarim)
Sm	Semahot
Sot	Sotah (suspected adulteress)
Sukk	Sukkah (booth; tabernacle)
T	ToseftaTa'an Ta'anith (fast/ing)
Tamid	(daily continuous burnt offering)
TAPA	Transactions of the American Philological Association
Tem	Temurah (exchange, substitution, for offerings)
Ter	Terumoth (priestly heave offerings)
Tohor	Tohorot (purities)
Tvul	Yom (immersed by day)
Uktzin	(plant stalks, inducing impurity)
VT	Vetus Testamentum
Yad	Yadayim (hands, washing of)
Yev	Yevamoth (sisters-in-law, regulations of levirate marriage)
Yoma	(day, of Atonement)
Zav	Zavim (impure discharges, flux)
Zev	Zevahim (animal-offerings, sacrificial victims)
ZPE	Zeitschrift für Papyrologie und Epigraphik
ZSS.RA	Zeitschrift der Savigny Stiftung für Rechtsgeschichte. Romanistische Abteilung

PART I

Theories

CHAPTER I

*Theorizing the Jewish Child*¹

If there are no small children, there will be no disciples;
If there are no disciples, there will be no sages;
If there are no sages, there will be no Torah;
If there is no Torah, there will be no synagogues and academies;
If there are no synagogues and academies, the Holy One will no longer
allow his
Present to dwell in this world (Leviticus Rabbah 11:7)

Delight in your childhood, young man, and
Let your heart rejoice in your adolescence ...
For childhood and adolescence are vanity. (Ecc. 11:9–10)

This chapter explores how rabbinic literature framed childhood. It is not a survey of modern theories of childhood.² I am asking how the stages of childhood were woven into the fabric of lifecycles, how the concept of minority was integrated into a web of discourses about vows, purity and procreation, and how numbers relating to childhood acquired significance and complexity. I start with a famous rabbinic configuration of a five-based lifecycle, pondering its conventionality and originality and how its design was calculated to highlight a particular course of socialization into the rabbis' envisioned society. In dealing with the meaning of minority, I evaluate the criteria by which childhood was measured, its length and its stages. To complete the presentation of rabbinic theories of childhood, I turn to the Mishnah and to a passage which examines cardinal moments in the life of Jewish children. Underlying the investigation is the question of how these theories and childhood-related rules anchored a child's evolution in the particulars of Jewish life.

¹ Title borrowed from a lecture by Martin Bloomer entitled "Theorizing the (Roman) Child."

² C. G. Mooney, *Theories of Childhood. An Introduction to Dewey, Montessori, Erikson, Piaget, and Vygotsky*, 2nd edn. (St Paul 2013). Google under "childhood theories" is likewise useful.

Prelude: Biblical Valuations of Childhood

Rites of religious life, often the subject of biblical commandments and cautioning, excluded an orthodoxy of childhood. Ecclesiastes' call to enjoy childhood since, like life itself, it too was fleeting, reduced the early phases of life into a single-minded pursuit of happiness. Life, in Ecclesiastes' justly famous exhortation to do and feel, amounted to a list of timely actions and emotions (Ecc 3:1–8).

Yet in antiquity a desire to set humans in a context of nature elicited countless configurations of lifecycles. One widespread ancient enumeration divided the human lifecycle into seven stages, each consisting of an equal number of years, from infancy through to childhood, adolescence, youth and the varieties and vagaries of adulthood and old age.³ Each phase was endowed with its own physiognomy. Questioning origins and endings, these neat schemes set the stages of childhood between birth and one's readiness to engage in birthing.⁴ These were engaging projections whose relationship to the realities of either childhood or adulthood was far from assured. There were also gaps, most notably a specifically female lifecycle.

In the prosaic setting of Leviticus, with its definitive program of rituals informing the making and being of a Jew, childhood was weighed, literally, in monetary terms. In the Levitical calculation of the value of vows, children, like adults, were cast as traded bodies. According to Leviticus 27:1–8, the lifecycle of vowing consisted of segments of five and ten, each with a redemption value based on the age of the vowed being.⁵ The ladder of the redemptive vows assigned the lowest monetary value, five silver shekels, to infants between the age of one month and five years, female and male. A much higher redemption value, namely twenty silver shekels, was placed on children and adolescents between the ages of five and twenty if male, but only ten shekels if female. The highest redemption value, fifty for

³ On the significance of the digit seven as a foundational figure of the human lifecycle, F. Boll, "Die Lebensalter, Ein Beitrag zur antiken Ethologie und zur Geschichte der Zahlen," *Kleine Schriften zur Sternkunde des Altertums* (Leipzig 1950), 156–224; L. Overstreet, "The Greek Concept of the 'Seven Stages of Life' and Its New Testament Significance," *Bulletin for Biblical Research* 19.4 (2009) 537–63; and C. Laes, *Children in the Roman Empire*, 77–99. On numerical divisions also into four, five, seven and ten stages, C. Laes and J. Strubbe, *Youth in the Roman Empire. The Young and the Restless Years?* (Cambridge 2014), 23–30, counting some 50 Greek and 120 Latin relevant texts. See also the excellent discussion of Horn and Martens, "What Is a Child?" in *Let the Little Children Come*, 1–40.

⁴ On their banality, T. Parkin, "Life Cycle," in *Cultural History of Childhood and the Family in Antiquity*, ed. M. Harlow and R. Laurence (2010), 97–114; on their use as a pedagogical tool to inculcate distinctions of age and status, B. Rawson, "Ages and Stages," in eadem, *Children and Childhood in Roman Italy* (Oxford 2003), 134f.

⁵ For a brief summary of opinions regarding vows, ages and values, P. Heger, *Women in the Bible, Qumran and Early Rabbinic Literature: Their Status and Roles* (Brill 2014), 38.

males and thirty for females, was attached to adults between the ages of twenty and sixty, while the redemption value of vows undertaken on behalf of females and males older than sixty decreased to ten for the former and fifteen for the latter. Girls under twenty, then, and women above sixty fetched the same redemption value.

This biblical system of exchange of words for hard cash delineates a lifecycle comprising four stages: infancy, childhood-youth, adulthood and old age. Their valuation depended on potential work capacity, deemed at its peak for males and females between the ages of twenty and sixty. At the heart of the society envisioned in Lev 27 was a childhood that lasted two decades and was conducted in two distinct stages.⁶ The completion of childhood at twenty entailed, in the case of males, recruitment, census and tax liabilities.⁷ Twenty was also the age at which adolescents were expected to reach intellectual maturity, namely the ability to discern good from evil.⁸

Such permutations did not mean that minors under twenty were exonerated from legal prosecution. The Bible provides a series of cases that appear to relate to children considerably younger than twenty. Deut. 21:18–21, for example, unfolds a procedure dealing with “rebellious sons” without specifying the age at which a son would be held accountable for “rebellion” against parental authority.⁹ Rabbinic exegesis of these verses (M San 8.1) exonerated both daughters and minors from liability, implying an age well under twenty.¹⁰

To be a citizen, (round about the second-century BCE) according to the sectarians of Qumran (the Dead Sea Scrolls community), also meant manhood at twenty. Twenty represented the culmination of a decade of guided meditation.¹¹ By then the youngster should have become well

⁶ J. Fleishman, “The Age of Legal Maturity in Biblical Law,” *JANES* 21 (1992), 35–48.

⁷ Num 1:22 (military service); 1:2–3, 18 (census); Ex 30:13–14 (“Temple” tax).

⁸ Evil: Deut 1:39; Num 14:31, where children are defined as “*taf*,” a category including everyone under twenty destined to survive the desert meandering vs. those above twenty destined to die there. Cf. the same categories as those defining passive and active audiences in 1QSa 1.4.

⁹ The accusation hinged on conspicuous consumption, or gluttony, hinting at matters of maintenance and of inheritance, J. P. Burnside, “The Wrath of God on the Sons of Disobedience: Seriousness of Offence and Deuteronomy 21: 18–21,” in idem, *The Signs of Sin: Seriousness of Offence in Biblical Law* (Sheffield 2003), 37–78; C. A. Reeder, *The Enemy in the Household. Family Violence in Deuteronomy and Beyond* (Grand Rapids 2012), 38–45, among many discussions of these biblical verses.

¹⁰ M San 8.1 assumes that a minor is a prepubescent child. BT San 71a asserts that Deut 21:18–21 was merely a “lesson to be learnt” but not to be implemented. Rabbi Yochanan, perhaps jokingly, stated that being an orphan is a blessed state of being since one is not bound by obligations vis-à-vis parents, BT Kid 31b. Cf. T Hag 1.4 on puberty as a symbol of maturity interpreted in terms of liability to fulfill ritual commandments.

¹¹ 1QSa 1–12: “according to his age, each one will acquire familiarity with the statutes of the covenant/ and each, according to his intellect, will be taught its laws. For ten years he will study among the *taf*/at twenty he will be counted and numbered among members of the congregation ...” Text in J. H. Charlesworth, *The Dead Sea Scrolls I. Rule of the Community and Related Documents* (Tübingen 1994), 110.

versed in the rules of the congregation, having reached the age of discernment.¹² This was an age of marriage, of legal capacity to testify and to stand trial, and of voting in the assembly.¹³

No such consideration shaped the lifecycle proposed by Philo of Alexandria (first century CE, Alexandria) who anchored childhood in human physiology, specifically marked by teething, puberty and bearding.¹⁴ Merging Greek theories of seven-staged lifecycles with the biblical emphasis on discernment as the crucial criterion of adulthood, Philo presented childhood as a battlefield between evil and good.¹⁵ Children were a group closely linked with evil, a trait which only reason and education could eradicate. Philo's articulation of lifecycle was prompted by interest in the roots of ethical behavior and morals rather than in childhood per se. There is no evidence that he wrote a treatise on grooming children to be Jewish in Alexandria.¹⁶ Does the gap indicate that the place and role of children was whittled down? That Philo failed to overcome a language which denied children a name and a place, restricting them to a prop in a conventional counting of the stage of the life lived by all humans?

At the end of the first century, Josephus reminded his readers that at fourteen he dazzled everyone with his intellectual precocity and at sixteen he delved into the "philosophies" of contemporary Jewish sects, spending the next three years as an apprentice of a desert hermit, returning to the city at nineteen ready for public life (Vita 8–14).¹⁷ The numbers bear little affinity with biblical projections of childhood and adolescence. They rather resemble Roman concepts of puberty as a liminal stage between fourteen

¹² 1QSa 9–12. The concept of "good and evil" as age markers has been associated with *daat* or knowledge/understanding already in Genesis (Gen 2:9; 3:5, 22). M Avot 5.21 postpones discernment (= *bina*) to age forty.

¹³ Fleishman, "Legal Maturity," 38. Cf. S. Metso, *The Serekh Texts* (London 2007), 53–4. The Rule of the Congregation further regards age twenty-five as age of service, and thirty as age of legal judgments.

¹⁴ J. Laporte, "The Ages of Life in Philo of Alexandria," *Society of Biblical Literature. Seminar Papers* 25 (1986), 278–90.

¹⁵ Horn and Martens, *Let the Children*, 6–9. M. Hadas-Lebel, *Philo of Alexandria. A Thinker in the Jewish Diaspora* (Leiden 2012), 167–8 on the popularity of the figure seven.

¹⁶ *Reading Philo. A Handbook to Philo of Alexandria*, ed. T. Seland (Grand Rapids 2014) provides a useful overview of this and many other questions relating to the shape and meaning of Philonic Jewish identity.

¹⁷ Flavius Josephus, *Life of Josephus*, trans. and commentary by S. Mason (Boston 2003), 12–20, esp. 12, comparing Josephus' self-attested course of study with "the conservative Roman idea" for aristocrats of the Republic which planted the family firmly as the cradle of all education and the inculcation of the *mos maiorum* in order to groom a man capable of assuming public responsibilities.

and sixteen when a youth would have donned the *virilis* to signify the end of childhood.¹⁸

Rabbinic lifecycles I: A Meditation on Mishnah Avot 5.21

At *five* years old [a boy is ready or fit] for Scripture.
 At *ten* [a boy is ready] for mishnah;
 at *thirteen* [a child is ready to undertake] Commandments;
 at *fifteen* [he is ready for] talmud;
 at *eighteen* [he is ready to enter] matrimony;
 at *twenty* to pursue [a calling, profession, undertaking];
 at thirty [he is ready to assume] authority,
 at forty [he is fit for] discernment,
 at fifty [he is fit to give] counsel,
 at sixty [he becomes] an elder,
 at seventy [his hair is sprouted] with grey,
 at eighty [he reaches the peak of his] strength,
 at ninety [he starts] to bend,
 at hundred he is all but dead, a man who once lived and is no more.
 (M Avot 5.21)

How did these figures accommodate reality? These lines were essentially an expansive rabbinic recasting of familiar patterns of ancient lifecycles crowned by an assumption of exceptional longevity. Yet the detailed division of fourteen stages undergirds banality with irony. Did Jews really live to be a hundred?¹⁹ What was the role of the two nonconforming figures of thirteen and eighteen within a carefully constructed cycle neatly based on multiples of five and ten components?

What makes this rabbinic lifecycle remarkable is the casting of childhood as a period of intimate relations between children (male) and text. To produce an accomplished child, the rabbinic road of M Avot charts a mental progression that grapples with the increasing difficulties of foundational texts from the Torah to Oral Torah (or scriptural exegesis, mishnah and talmud). Even within the rabbinic corpus, the lifecycle of Avot 5.21 is unique in matching readings with specific ages.²⁰ Literacy and intellect emerge in

¹⁸ F. Dolansky, "Togam virilem sumere: Coming of Age in the Roman World," in *Roman Dress and the Fabrics of Roman Culture*, ed. J. Edmondson and A. Keith (Toronto 2008), 47–70.

¹⁹ On the numerological context of this passage, A. Tropper, *Wisdom, Politics and Historiography. Tractate Avot in the Context of the Graeco-Roman Near East* (Oxford 2004), 17–87, concluding that the tractate is skillfully composed of earlier elements woven together to create a sophisticated tissue of earlier rabbinic sayings.

²⁰ Cf. T Sot 7.21; Sifre Deut. 161. See Chapter 3.

this vision as crucial keys of mental maturation, a prelude to a life worth living. The rabbis themselves contradicted this ideal with a calculation that out of a thousand who began to study Scripture only one hundred continued to study mishnah and of these only ten continued to talmud study.²¹ A rabbinic child, then, is one in a hundred, likely also a euphemistic statistic.

If in this reckoning the birth of a Jewish male heralded a childhood of learning, reaching the age of twenty implied an index of labor when one ought to embark on a "pursuit," presumably of livelihood, through the acquisition of a craft or a profession.²² This may have been a discreet nod to reality. Prior to twenty, a youngster faced two turning points in his life: one at thirteen with the undertaking of Commandments (*mitzvot*), and the other at eighteen with entering the state of matrimony. Both ages were transformative. At thirteen, a child became a member of a community abiding by Torah precepts. Marriage made an adolescent the head of a household.²³ But these too appear as figures of an idealized life course. Recent research has shown that in Roman Palestine men married mostly in their late twenties, although in Babylonia fathers were urged to marry off their sons already at sixteen.²⁴

He who is twenty years of age and is not married spends all his days in sin. In sin? Can you really think so? Rather say that he spends all his days in sinful thoughts. Raba said, and the School of R. Ishmael concurs,²⁵ that: Until the age of twenty God sits and waits for a young man to take a wife. Once he has reached that age and has not married God exclaims, Blast be his bones! R. Hisda (Babylonian sage, late 3rd/early 4th) boasted: The reason that I am superior to my colleagues is that I married when I turned sixteen. Had I married at fourteen I would have taunted even Satan. Rava said to R. Nathan b. Ammi: Whilst your hand is still on your son's neck, between sixteen and twenty-two, marry him off. Others, however, state: Between eighteen and twenty-four.²⁶

²¹ LevR 2.1, with M. Hirshman, "Torah in Rabbinic Thought: The Theology of Learning," *CHJ* 4 (2006), 899–924, esp. 913. See also C. Keith, "Writing and Gradations of Literacy," in idem, *The Pericope Adulterae, the Gospel of John, and the Literacy of Jesus* (Leiden 2009), 53–94.

²² The term is admittedly obscure and has received a variety of interpretations.

²³ Y. D. Gilat, "Thirteen Years Old—the Age—The Age of Commandments," in *Talmudic Studies* 1 (1990), 39–53, repr. in idem, *Studies in the Development of the Halakha* (Ramat Gan 1992), 19–31. The bar mitzvah was an amoraic novelty, not dating before the third century, possibly later.

²⁴ A. Schremer, "Eighteen Years to the Huppah? The Marriage Age of Jews in Eretz Israel in the Second Temple, Mishna, and Talmud Periods," in *Sexuality and the Family in History*, ed. I. Bartal and I. Gafni (Jerusalem 1998), 43–70 (Heb).

²⁵ The "school of Rabbi Ishmael" is a catch all phrase denoting mostly the production of tannaitic midrashim before the third century. Rabbi Ishmael was active in the early second century.

²⁶ BT Kid 29b–30a, Soncino. Rava (Raba; Rabbah) apparently lived only forty years and witnessed forty funerals, while Hisda lived to be ninety-two and to celebrate sixty weddings, BT MQ 28a. Cf. BT RH 18a, with A. Tropper, "Children and Childhood in Light of the Demographics of the Jewish Family in Late Antiquity," *JSJ* 37 (2006), 305.

The projected premarital childhood of this Babylonian discourse is not the periodically punctuated lifecycle of the Palestinian M Avot. Rather, it draws a horizon of adolescence in terms of morality which defines children as bearers of sexuality and of sinful thinking.

Little can be gleaned about the actual span and nature of Jewish childhood from lists mandating a child's intellectual development by precise age divisions. Nor can there be a systematic exploration of these idealized stages of childhood.²⁷ The gender discourse of M Avot 5.21 points to distinct differences between the sexes with an implied yet simple antithesis: the childhood of Jewish girls fails to form a happy fellowship with texts, unlike the childhood of Jewish males. The "race" of girls is sharply and irretrievably divided from the "race" of boys already at age five, if not before. A citizen in the Jewish commonwealth of M Avot 5.21 is a male whose life course is prescribed from birth to death as a chain of intellectual, economic and social advancement, a progression calculated to maintain the division between the sexes. Torah and Commandments became symbols of gender barriers, in spite of the specific biblical injunction of Deut 11:19 to teach children, seemingly sons and daughters alike, about the common Israelite past.

Rabbinic Lifecycles II: Ecclesiastes Rabbah

Should we express a surprise that the most entertaining vision of childhood belongs to a rabbinic commentary (Midrash) on the book of Ecclesiastes? That it was a parody rather than a serious theorization of childhood? That it interprets the famous opening line of Ecclesiastes (*Vanity of Vanities*) by way of providing a parody on popular configurations of lifecycles, Jewish and non-Jewish?

Life, according to this exegetical nugget, is not a steady progression of learning. Rather it is a series of precarious victories over animalistic instincts:

Seven vanities are like seven stages [of life] that a human experiences:
A one year old is like a king on a turtle's cart²⁸ with everyone hugging
and kissing him.

²⁷ J. W. Schofer, "The Different Life Stages: From Childhood to Old Age," in *Oxford Handbook of Jewish Daily Life*, 327–43, for a brief overview. Idem, *Confronting Vulnerability: The Body and the Divine in Rabbinic Ethics* (Chicago 2010), 141–67, regards M Avot 5.21 as "a demanding schedule of ideals for an aspiring sage" (p. 142), as well as "a creative and contentious formulation" (p. 148).

²⁸ On this unique term, R. Kiperwasser, "The Comparative Study in Midrashim on Kohelet," *Sidra* 22 (2006–2007) (Heb), 157 note 21; and idem, "Structure and Form in Kohelet Rabbah as Evidence of its Redaction," *JJS* 58 (2007), 283–302 on a rigorous editorial which juxtaposed ancient and

A two-three years old is like a pig, sticking his fingers in gutters.
 A ten year old skips like a kid.
 A twenty year old is like a horse, neighing and beautifying himself
 when searching a mate.
 A married man is like an ass.
 When he bears children he is as bold as a dog in his quest of bread and
 sustenance.
 Aging, he is like a monkey.²⁹

Conceiving children as pigs and kids, young men as horses, married men as donkeys and dogs, and old men as monkeys amounts to a parable on a humanity too close for comfort to the universe of its very own domesticated animals. According to this midrashic scheme, childhood is passed in spaces that are a far cry from those allocated to the perennially learning child of Mishnah Avot 5. In EccR, childhood is a period rooted in the outdoors where children behave like animals. Through an ingenious strategy of displacement, the Midrash creates different habitats for a different, non-rabbinic childhood which is composed not of texts but of gutters and grass.³⁰

We can read this midrashic nugget as a chart of physiological development that begins with an infant's relative immobility and continues with the stages of crawling and skipping. Especially instructive is the comparison between an infant and a pig, a notoriously forbidden species in Judaism. Perhaps it was a deliberate slur on the plebeian *Am Haaretz* (literally "people of the soil" or commoners).³¹ One definition of a commoner was precisely that of a man who neglects the Commandments that groom a child to become a Jew. Another labeled commoners as men who did not bring up their sons to study Torah.³² The childhood described in EccR, then, is a Torah-less one, the opposite of the Torah-centered environment of a "rabbinic" child. Yet there are also commonalities between the midrashic and Mishnaic

contemporary sayings. Z. Safrai, *The Economy of Roman Palestine* (London 1994), 164, on the rarity of wagon (cart) as means of transport of either stones or children.

²⁹ Schofer, *Vulnerability*, 159–60 on this list as "a family-centered account of childhood."

³⁰ Cf. Lucretius, *De Rerum Natura*, 222–7 on a baby as a cast away relic of a raging storm, lying naked on the ground, speechless and needing every help, which, pace Laes, *Children in the Roman Empire*, 78, reflects pessimism about infancy in particular and life in general.

³¹ On non-Jews as animals, primarily pigs and donkeys, contrasted with the concept of Israel as angels, S. Stern, *Jewish Identity in Early Rabbinic Writings* (Oxford 1984), 33f. On *Am Haaretz* as a content-bound term relating to both Jews and non-Jews, *ibid.*, *passim*. On pigs and pork, D. Kraemer, "The Problem with Pork," in *idem*, *Jewish Eating and Identity through the Ages* (New York 2007), 30–3; and D. Barak-Erez, *Outlawed Pigs: Law, Religion, and Culture in Israel* (Madison WI 2007), 15–20.

³² BT Ber 47b.

childhoods. Both refer to the need to marry and the necessity to earn a living, but the commoner also bears children after whom he looks with the fierceness of a hungry dog. In the rabbinically endorsed life course of learning, fatherhood is implied in matrimony but paternal responsibilities are ignored.

From pig to monkey, EccR and M Avot discourse of origins shows (male) children as double creatures, oscillating between playfulness and learning, the mundane and the sublime. One is an ironic portrayal of everything that children are expected to be; the other is an ironic projection of a rabbinic self-vision in which status was solidly anchored in learning. These are ego-documents, summaries of contradictory-complementary life courses.

Rabbinic Lifecycles III: Tractate “Mourning” (Semahot)

A third rabbinic approach to theorizing childhood was incorporated in a tractate dealing with funerary regulations, euphemistically entitled “Joys” (*Semahot*). Such rules are unambiguous. They dwell on the appropriate burial ceremonies for the deceased according to age, theorizing the human lifespan in phases and in terms of untimely or timely death.³³

A day old infant, even a neonate whose half body emerges alive, if he dies, receives a funeral as though its family were interring a fully-grown bridegroom.³⁴ The corpse should be carried to the cemetery wrapped in a kerchief. It may be interred in the presence of one woman and two men (or two women and one man).

The public ought not to line up nor to recite the mourners’ blessing (*birkat avelim*) for an infant who dies before he is 30 days old. (Cf. PT Kid 4.11)

³³ For text, translation and commentary, D. Zlotnick, *The Tractate “Mourning” (Regulations relating to Death, Burial and Mourning)* (New Haven 1966). The date of the tractate is contested: The latest authorities mentioned are the tannaim of the fifth generation, i.e. early third century, and the language employed is Mishnaic Hebrew. Schofer, *Vulnerability*, 88 for a post-Talmudic date with M. Higger, *Treatise Semahot* (Jerusalem 1969) (Heb). E. Meyers, “The use of Archaeology in Understanding Rabbinic Materials,” in *Talmuda de Eretz Israel. Archaeology and the Rabbis in Late Antique Palestine*, ed. S. Fine and A. Koller (Boston-Berlin 2014), 318, for an earlier, tannaitic or “early rabbinic” date. On funerary customs, N. Rubin, *The End of Life. Burial and Mourning Ceremonies in The Talmud and Midrash* (Tel Aviv 1997) (Heb), 160–89.

³⁴ This was an euphemism according to Zlotnick, 106, reflecting the impact of death on the family since mourning rites should not be observed unless the infant lived at least thirty days, BT Nid 44b. Cf. M Nid 3.2–4.1 and PT Kid 4.6.

An infant [who dies between the ages of] 30 days and 12 months is carried out in a casket (*geluskema*) borne on outstretched arms and accompanied by a procession of men and women.

An infant who dies between the ages of 12 months and three years is carried out in a casket borne on the shoulders, and accompanied by a procession of men and women. Rabbi Judah says: If the father wishes to honor a child less than three years old, a coffin (*aron*) may be brought out to the cemetery for him.

If the dead child had been known to the community the public participates in the last rites. If the child had been unknown, the public does not participate in the rites.

Eulogies for dead children are to be delivered for a child of three if it dies poor and for a child of four if it comes from a rich family. Rabbi Akiva, however, stipulates that an oration should be delivered for children of the poor who lived to their sixth year, and for children of the rich who lived to their seventh year. Children belonging to rich families are like children of the sages; children of the sages are like children of kings and [the public] ought to engage [in rites over their death]. A child (*tinok*) who had been managing its own affairs deserves an eulogy in its own right.

From the age of 20 to 30, the deceased is carried out as a bridegroom (*khatan*); from 30–40 as a brother; and from 40–50 as a father. Rabbi Shimon said: from 30 to 40 if he has children he is carried out as a father. Death before 50 is an untimely death. Death at 60 is the kind of death that the Torah alludes to (Job 5:26), namely a ripe age. Death at 70 is the death of divine love (Ps 90:10). Death at 80 is death of “strength”. Beyond that life is only sorrow. (Sem 3.3–7)³⁵

Faced with this novel reading of the lifecycle, the quantification of childhood in terms of days, months and years shows that we are dealing with an incomplete combination of broader types of familial affiliations. Each stage, or rather each tragedy, encapsulates the complexity of the relationship between infants and society. Through funerary customs we are asked to conceive lifecycles in terms of the appointed roles and unfulfilled potential of children as bridegrooms, brothers and fathers on the one hand, and through age criteria for timely death on the other. Between the lines we find possible glimpses of demographic realities. Children faced the danger of death practically from birth.

Like Mishnah Avot 5.21, the tractate on mourning represents only half of the Jewish child-population. Its collective familial mourning projects the importance of male children in a genealogical chain that generates new

³⁵ Higger and Zlotnick for Hebrew text.

familial bonds.³⁶ Funerals define the relationship that unites the collective of the living with the dead child. A boy is born; a boy dies. These are two reminders that birth founds the human order and that death ensures its permanence. It is an asymmetry intended to regulate the activities of survivors and to perpetuate the paternal name.

The regulations regarding funerals further throw light on age boundaries based on the dead child's place in the family and in the community. Their minute attention to the precise age at death, unparalleled in Palestinian-Jewish funerary epigraphy, points to a concept that sharply distinguished childhood from adulthood that starts at twenty.³⁷ If families kept a record of birth, as may be inferred from the particulars attached to funerals in this tractate, surviving Jewish inscriptions of Roman Palestine pointedly avoided recording the age of the defunct.³⁸ This epigraphic reticence echoes medical writings of antiquity. Galen, the famed medical expert who produced a substantial corpus of medical writings in the second century CE, recorded the stage but not the age of his patients.³⁹ An advocate of the popular seven-based lifecycle theories, Galen placed adolescence, or the transition from childhood to adulthood, between the ages of fourteen and twenty-one. It was an adolescence characterized by intellectual maturation (education) as well as by puberty, namely the development of secondary sex characteristics including genital hair, the production

³⁶ Sm. 5.1: a mourner, his sons, daughters, slaves, maids and cattle are forbidden to engage in work throughout the seven days of mourning, a rule clearly echoing the biblical commandment of the Sabbath. Whether such customs can be taken to indicate the rise of the nuclear family in late antiquity (starting with the third-century amoraim), as Rubin, *The End of Life*, 87 and Tropper, "Children," 336 maintain, or as an inclusive approach that incorporated maternal relatives into the core family, as Schremer, *Male and Female*, 334–7 argues remains unclear.

³⁷ P. van der Horst, *Ancient Jewish Epitaphs. An Introductory Survey of a Millennium of Jewish Funerary Epigraphy 300 BCE–700 CE* (Kamper 1991), passim, esp. 73–84 on age at death and the skewing of calculations based on funerary figures. According to van der Horst, 73, the average age at death was twenty-seven and twenty-nine for men and women, respectively. See the reservations of Tropper, "Jewish Family in Late Antiquity," 310–11. If the average age at death was around thirty, how does this figure square with the rabbinic view that death before sixty is premature, as Tropper emphasizes, *ibid.*, 304–10? Cf. L. Revell, "The Roman Life Course: A View from the Inscriptions," *European Journal of Archaeology* 8 (2005), 43–63, esp. 59–60 on age rounding.

³⁸ In the vast Jewish cemetery of Beth Shearim (second to fourth century CE) only a handful of inscriptions refer to children and none lists the precise age of the defunct in terms of years, months and days as do Jewish funerary inscriptions from Rome. B. Mazar, M. Schwabe, B. Lifshitz, N. Avigad, *Beth Shearim*, 3 vols (New Brunswick 1973–76); D. Noy, *Jewish Inscriptions of Western Europe*, vol. 2 Rome (Cambridge 1993). For charts showing chances of death of both males and females, L. V. Rutgers, *The Jews in Late Ancient Rome* (Leiden 1995), 124–8. Cf. age as a dimension of identity versus the practical reality of identifying children in the archaeological record, J. A. Baird, *The Inner Lives of Ancient Houses: An Archaeology of Dura-Europos* (Oxford 2014), 230–1 and Chapter 7.

³⁹ S. P. Mattern, *Galen and the Rhetoric of Healing* (Baltimore 2008) 105–12 on age.

of semen, the growth of testicles in boys and breasts in girls, the onset of menstruation and the change of voice.

That children died young was very much a fact of life in antiquity. It is echoed in modern theories of ancient demography which have consigned one third of the under-five infant population to a premature death.⁴⁰ Among survivors a significant number of children would have been orphaned.⁴¹ Several conditions contributed to low life expectancy around the Roman Mediterranean including diseases and epidemics, population density, environments of low and high-mortality, and natural and man-engineered catastrophes.

Confronted by the realities of the human body, medical and rabbinic theorists delineated a mobile universe of childhood. One rabbinic reflection on human longevity assumed a tint of parody. Inserted into a purported dialogue between God and the patriarch Isaac over the question of sinning, the debate defined childhood as the total sum of decades free of the responsibilities which weigh down the life of adults:

How many are the years of man? Seventy. Subtract twenty (=?childhood) for which you are not punished and fifty remain. Subtract twenty-five years, comprising of nights, and twenty-five remain. Subtract twelve and a half of praying, eating, and nature's calls, and only twelve and a half years remain [for all other activities].⁴²

In life, counted as a series of subtractions, accountability began at twenty, the biblical age of entering adulthood. Childhood was characterized by the absence of both the capacity to commit sins and legal liability.⁴³ Perhaps this rabbinic vignette was designed to echo the so-called Ulpian's table, which used a similar approach to calculations of life expectancy in estimating inheritance tax.⁴⁴ After all, sinning and taxation are two sides of the same human experience.

⁴⁰ The following is based on W. Scheidel, "Roman Age Structure: Evidence and Models," *JRS* 91 (2001), 1–26, which voices skepticism about all methods used to estimate life expectancy, variables at death and gender age distinctions. See also idem, "Roman Funerary Commemoration and the Age at First Marriage," *CP* 102 (2007), 389–402. See also T. G. Parkin, *Demography and Roman Society* (Baltimore 1992) on primary sources for demographers and their problems, with the comments of B. W. Frier in *BMCR* 03.05.13 (online).

⁴¹ Only a quarter of those born around the Mediterranean in antiquity would have survived to age forty. J-U Krause, *Witwen und Waisen im römischen Reich* (Stuttgart 1994–95) and Chapter 2.

⁴² BT Shab 89b, ascribed to Rabbi Samuel b. Nahmani in the name of Rabbi Jonathan. On dying at seventy as a death of love, PT Bik. 2.1.

⁴³ Cf. A. Tropper, "Children and Childhood," 301, on the impressionistic nature of rabbinic demography.

⁴⁴ Apparently, Rabbi Samuel had connections in the imperial court (GenR 63.8), which may account for his familiarity with Ulpian's table. On the table, D 35.2.68 with M. Greenwood, "Discussion on

“Minority” and “Majority”

Terminology and Criteria

Because the Hebrew Bible, the foundational text of all rabbinic literature, does not provide a clear-cut definition of childhood, biblical references to childhood have raised considerable difficulties when studying childhood in antiquity.⁴⁵ Thus the verb “to grow” (*gdl*), which is closely associated with the term “adult” (*gadol*), designates both a stage of weaning that is hardly likely to last beyond the age of three and a stage of advanced adolescence.⁴⁶ *Yeled/yalad* refers to a child as well as to the act of birthing children. *Yeled* (boy), a noun derived from *yalad* (neonate), is used as a collective designation of children when contrasted with adults or with the elderly. A *tinok* may describe a nursing infant but also a child who has reached puberty and even an eighteen year old.⁴⁷

Rabbinic discussions of childhood employ predominantly the term “minor” (*katan/a*) to designate a “child.”⁴⁸ Definitions of minority varied, depending on the context in which the term was used. It could simply mean neither “an adult” nor a “grown up” (*boger* or *gadol*). This dichotomy stood at the heart of rabbinic exegesis of the biblical condemnation of all the citizens of an “apostatized town,” regardless of age and gender (Deut 13:13–18). Apparently anxious to allay the harshness of the biblical pronouncement, rabbinic interpreters of this biblical passage cast the children and women of these towns as non-adults and nonresidents. The creation of this category meant that children and women were exempt from the fate awaiting the men of such towns, namely execution:

If women and not men, children and not adults (*ketanim/gedolim*) were the apostatizing agents [they are not liable to punishment since] the Bible states

the Value of Life-Tables in Statistical Research,” *Journal of the Royal Statistical Society* 85 (1922), 537–60; and idem, “A Statistical Mare’s Nest?” *JRSS* 103 (1940), 246–8; R. P. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge 1994), 13–16.

⁴⁵ For detailed investigation of biblical terminology in terms of familial nexus, J. F. Parker, *Valuable and Vulnerable. Children in the Hebrew Bible Especially in the Elisha Cycle* (Providence 2013), 46–76. On biblical terminology see also T. Meacham, *Treatise on the Attainment of Legal Majority and Puberty* (*Sefer haBagrut leRav Shmuel ben Hofni Gaon veSefer haShanin leRav Yehuda haKohen Rosh haSeder*) (Jerusalem 1999) (Heb), 12, note 2 (hereafter: *Bagrut*).

⁴⁶ Ex 2:10–11 employs a single term, *gdl* (“to grow”), to embrace two distinct stages in the life of Moses, weaning and leaving (the adopted) home for the first time. The term also applies to the weaning of Isaac (Gen 21:8).

⁴⁷ T Nid 2.3; T Hag. 1.3; T Nid 6.3, Meacham, *Bagrut*, 12–13.

⁴⁸ I. Lebendiger, “The Minor in Jewish Law,” *JQR* 6 (1916), 459–93; 7 (1916), 89–111; 145–74 for five-part presentation of minority; Meacham, *Bagrut*, 11–47.

(Deut 13:14) that the rule regarding agents of idolatry refers only to residents and [it excludes] women and children. (T San 14.1)

The Tosefta continues by countering the severity of the Mishnaic interpretation of the same biblical verses. M San 10.4 condemns to stoning individual women and children acting as agents of apostasy. The Tosefta (San 14.1) categorically exonerates children of residents from liability (T San 14.1). When Rabbi Eliezer raised an objection to such leniency, Rabbi Akiva responded with a clever use of a verse from the same biblical passage (Deut 13:18) which invoked not vengeance but mercy.

Rabbinic dismissal of children's culpability in spite of the Torah's call to condemn all those implicated in a misdemeanor or a crime was likely formulated in light of Roman rules which dealt with the fate of slave-children in a household where the master had been murdered by his slaves. Roman law had originally called for a summary execution of all unfree members of the household. In 10 CE the *senatus consultum Silanianum* set aside categories of exemption which included children and the disabled.⁴⁹ Amid the cruelties commonly accompanying wars and domestic crimes, both Romans and rabbis carved a space to preserve children.

Minority mattered. But its parameters were never clearly established. Depending on the discourse, minority appeared remarkably elastic.⁵⁰

Who is a minor? It is a child who no longer needs its mother ... The school of Rabbi Yannai explained that a minor is a child who does not need maternal assistance when attending to its needs. R. Simeon b. Lakish explained that it is a child who, upon waking up, does not call Mummy, Mummy. [A reservation was made:] Surely also older children call for their mother. A minor, then, is a child, aged four or five, who upon waking up does not repeatedly call for its mother ... (another definition:) A minor under six who goes out (on the Sabbath) under his mother's *eruv* ... when its father is out of town.⁵¹

⁴⁹ D 29.5.32 exonerating from culpability and execution male slaves defined as *impuberes* and female slaves not yet capable of sexual intercourse, as well as the disabled (deaf, mute, blind and insane). J. D. Harries, "The Senatus Consultum Silanianum. Court Decisions and Judicial Severity in the Early Empire," in *New Frontiers. Law and Society in the Roman World*, ed. P. du Plessis (Edinburgh 2013), 51–72.

⁵⁰ Cf. G. Prinzing, "Observations on the Legal Status of Children and the Stages of Childhood in Byzantium," in *Becoming Byzantine. Children and Childhood in Byzantium*, ed. A. Papaconstantinou and A.-M. Talbot (Washington DC 2009), 15–34, for survey of terminology of the stages of childhood and their legal implications, noting the abiding validity of twelve and fourteen as markers of puberty and potential procreation and twenty-five as official legal majority.

⁵¹ BT Eruv 82a–b. On Sabbath's *eruv* (boundaries of venturing beyond the domicile), Chapters 2 and 10.

Early childhood in this context meant an acknowledgment of the intimate links between infants and mothers as defined both by basic needs of children as well as by their dependence on the maternal-generated Sabbath boundaries. The passage further suggests that a child's place of residence, namely the space that determined how far s/he is permitted to carry items away from home on the Sabbath, belongs to the maternal realm.⁵²

The biblical injunction of thrice-yearly pilgrimage to Jerusalem and its Temple presented an opportunity to ponder the meaning of minority within the paternal domain. Deut 16:16 enjoins all males to perform the pilgrimage. In the post-135 CE world in which the rabbis operated without a Temple and without access to Jerusalem, the commandment was modified to exclude minors, the deaf-mute and the mentally disabled. The question regarding the range of minority was invariably raised even in this highly theoretical context:

A minor is a child who cannot ride on his father's shoulders when ascending from Jerusalem to Temple Mount, according to the house of Shammai. According to the house of Hillel a minor is a boy who is incapable of holding on to his father's hand as they ascend. (M Hag 1.1)

It proved necessary to shift minority from its dependence on maternal agency to intimate association with paternal shoulders, which implied that childhood was a pre-walking state.

Another criterion of minority depended on the impulse to do evil or good (*yetzer hara*; *yetzer hatov*). Judged in this light, childhood covered the first thirteen years of one's life, a period dominated by a child's innate inclination to inflict damage on the self:

A baby in its cradle is wont to stretch its arm to (touch) a snake or a scorpion and is consequently bitten. This tendency is caused by the impulse do evil (*yetzer ha-ra*). A baby is wont to lay its arm on burning coals and consequently to get burnt. This too is caused by the evil impulse which resides in the stomach. (ARN A 16)

At thirteen, the counter-impulse which prevents misdeeds and transgressions emerges.

Maturity breeds goodness, an impulse which constantly reminds a would-be transgressor of the penalties in store.⁵³ Placed under the

⁵² BT Ket 65b with Y. Kaplan, "The Changing Profile of the Parent-Child Relationship in Jewish Law," *The Jewish Law Annual* 18 (2009), 39, 21–79.

⁵³ J. Schofer, "The Redaction of Desire: Structure and Editing of Rabbinic Teaching Concerning *Yeser* (Inclination)," *Journal of Jewish Thought and Philosophy* 12 (2003), 19–53.

problematical sign of evil, childhood is deemed a period of thoughtlessness and impetuosity.

Several criteria were applied, simultaneously and separately, to qualify and quantify minority, each anchored in a different developmental path and in different environments. It is not all too surprising that rabbinic references to minority remain ambiguous, failing to formulate one collective definition of childhood. Such indecisiveness is also evident in Roman attempts to come to terms with the concept of minority.⁵⁴ Childhood is, after all, a complicated business, more complicated than is usual in mythical stories, biblical or Roman, in which children gain legitimacy through paternal recognition.

Childhood as a Category of Exclusion

To clarify the meaning of minority in terms of exemptions and exclusions, rabbinic literature often grouped children with nonchild categories. One such was the association of minors with the mentally and physically disabled (*shoteh*, insane, fool or mentally inept, and *heresh*, deaf-mute).⁵⁵ Another frequent association of minority paired children with women and slaves.⁵⁶ At times, all five categories were addressed under one heading:

Anyone who injures a deaf-mute, a mentally disabled person or a minor is culpable to [pay] penalties. If they (i.e. children) injure others they are not culpable. Anyone who injures a slave or a woman is culpable but if women and slaves injure others they are not culpable. Yet the following may have to pay at a later stage: a woman if she was divorced and a slave if s/he was manumitted. (M BK 8.4)

Children, the disabled, women and slaves, were not liable to damages if they injured another nor accountable if they inflicted damage on another's property. Underlying this collective exemption was the assumption that

⁵⁴ B. Cohen, *Jewish and Roman Law* (New York 1966), II, 1–9 (Hebrew section). ⁵⁵ Chapter 5.

⁵⁶ Cf. the association of underaged children (*infantes*) and "lunatics" (*furiosi*) in Roman jurisprudence, D 6.1.60; 48.8.12; 9.2.5.2, with Laes and Strubbe, *Youth in the Roman Empire*, 34–5. On the trio of a minor, a *shoteh* and *heresh*, Y. Silman, "The Basic Norm of the Halakha in light of the Principles concerning Incompetents," *Diné Israel* (An Annual of Jewish Law) 18 (1995–6), 23–51 (Heb); S. Albeck, *Evidence in Talmud Law* (Ramat Gan 1987), 92–103 (Heb). S. Fishbane, *Deviancy in Rabbinic Literature* (Leiden 2007), 108–9 on the exclusion of minors and the disabled from full participation in the holy nation; J. Z. Abrams, *Judaism and Disability* (Washington 1998), 168 on rabbinic stigmatization of the disabled. On the triad of women, slaves and minors, C. Hezser, *Jewish Slavery in Antiquity* (Oxford 2005), 69–82 and eadem, "Passover and Social Equality: Women, Slaves and Minors in Bavli Pesahim," in *A Feminist Commentary on the Babylonian Talmud. Introduction and Studies*, ed. T. Ilan (2007), 91–107.

neither children nor their associative groups were fully cognizant of their actions, unlike free adult males whose harmful actions did entail appropriate penalties.⁵⁷

Women, slaves and minors could not serve as court-appointed guardians unless they had been designated as such by the father/husband prior to his death.⁵⁸ Other exemptions, whether from the obligatory blessing after meals or from sitting the full week in a *sukka* (booth) during the feast of the Tabernacles, invariably raised the question of when, exactly, did a minor (male) become liable to fulfill these ritual obligations? Leviticus 23:42 ordained that every member of the Israelite commonwealth must sit in a *sukka* for a week but the biblical text did not propose a specific age or gender of exclusion or of inclusion. By one rabbinic interpretation of this biblical injunction even a neonate had to sit in the *sukka*. In a demonstrative gesture, Shammai the Elder (first century CE) pulled a branch of *sukka* roofing over the cradle of his day-old grandson (M Sukk 2.9). Rejecting this form of orthodoxy, other rabbis asserted that the commandment to sit in the *sukka* related only to a child who no longer needed its mother and who could sit for an entire week in male company in the *sukka*.⁵⁹ The Babylonian Talmud navigated these contradictory interpretations by claiming that a “minor” is a child who had not yet reached a stage of training (*khinukh*) which would allow him to fulfill its religious obligations.⁶⁰

Minority as a metaphor of childhood fashioned other groupings within the household, particularly during festivals like Passover. Rules relating to Passover sacrifice grouped minor children with gentile slaves, both categories of dependents distinguished from adult children, Jewish slaves and one’s wife, a disparity that constituted the essence of paternal households:

A man may not slaughter [the Passover sacrifice] on behalf of his adult children (*gedolim*), or on behalf of his Hebrew male and female slaves, or of his wife, unless they consent to, but he can do so on behalf of his minor children, as well as on behalf of his male and female “Canaanite” slaves. (T Pes 7.4)

In ritual context, such as Passover, age, gender and status combined to reinforce the authority of the father over minors and non-Jewish slaves. During the religious feast which celebrates the deliverance from Egyptian bondage, the free and the bonded members of the household were ranged

⁵⁷ Silman, “Basic Norm,” 45. ⁵⁸ M BB 8.17, T Ter 1.11 BT Git 52a.

⁵⁹ M Sukk 2.8, see also Chapters 2, 3 and 8. ⁶⁰ BT Sukk 28b with Gilat, “Thirteen,” 23.

in parallel groups, one under the control of the householder, the other momentarily independent.⁶¹

What was the point of linking children with other, patently different categories of women, slaves and the disabled? Childhood's association with disabilities undergirds a commonality of physical and mental limitations. Its association with women and slaves highlights the affinity of children with two "inferior" categories. Altogether these groupings underscore the maleness and maturity required to correctly discharge Jewish rituals and obligations. We might as well return to the question raised earlier: who was a minor? Having deployed various criteria, from training and maternal need to sitting in the sukka, pilgrimage and Passover, we note both eagerness and mostly reluctance to absorb children into the species of adult male Jews.

Puberty

Several criteria combined to determine a child's ability and range of obligations in terms of participation in the life of family and community: control over the body, chronological age and sexuality. Roman jurisprudence and rabbinic reflections converged on the thorny issue of fixing the age(s) of puberty as the transitional period to adulthood (majority). When female and male puberty were assigned by Roman law to twelve/fourteen and by rabbinic rules to twelve/thirteen, this fixity, useful within limits, failed to do justice to the developmental varieties of individual children.⁶²

At heart was the perennial problem of matching numbers with bodily development, the former fixed, the latter different in each child. In a sense this seemed an insoluble issue, although a compromise was eventually effected:

It has been taught by Tannaim (rabbis active between the first and early third century) that two [pubic] hairs detected on the body of a boy between the ages of nine and a day and twelve and a day signify a mole (and not the advent of puberty). Rabbi Yossi son of Judah insisted that these were tokens of sexual maturity. Rabbi Jacob son of Rabbi Bun in the name of Rabbi Yossi son of Haninah asserted that this was correct providing these signs appeared when expected (i.e. during the twelfth year). Rabbi Yossi questioned whether manhood in this case was counted retroactively (i.e. from age nine onward) or only from age 12 onward. Rabbi Abun, relying on both

⁶¹ On the physicality versus textuality of the Passover Seder, see Chapter 9 on Ostia and the controversy over the "reform" of Todos of Rome.

⁶² Rawson, *Children and Childhood*, 138.

Rabbi Yossi and Rabbi Shimon ben Lakish, claimed that it was both retroactively and proactively ... Troubled by this problem, Rabbi Yossi wanted to know whether, when puberty signs appear timely, a boy is considered a man retroactively or proactively and if so, what is the status of his widow (in case he dies) and of his divorcee? In the latter case, he can grant her a writ of divorce only when he becomes an adult. If he dies and leaves a widow his brothers can enact *halitza* [so that she will be free to remarry outside his family]. But if this is the case why not apply the rule to boys younger than nine? Indeed, but since the Tannaim applied their rulings to boys aged nine and a day their followers adhered to their guidelines. (PT Kidd 1.2. Cf. BT Nid 46a)

Puberty of girls had to be demonstrated by the sprouting of two pubic hairs (M Nid 6.10–11) and by the appearance of a wrinkle around the breast although both signs prompted reservations. The possibility that these hairs may fall, sweeping away a major criterion of the girl's sexual maturity, had to be considered (BT Nid 46a) as well as the shape and size of breasts:

What are the marks [of adulthood, *bagrut*]? R. Jose the Galilean says: the appearance of the wrinkle beneath the breast. R. Akiba says: the tilting down of the breasts. Ben Azzai says: the darkening of the ring around the nipple. R. Jose says: [the development of the breasts so that] when one put a hand on the nipple it sinks and only slowly rises again. (M Nid 5.8)

Similarly the “signs below” (i.e. pubic hair) of puberty for both females and males proved contentious, with one opinion (Rabbi Judah, M Nid 6.11) calling for a significant quantity of pubic hair in the case of females, while the majority settled for two pubic hairs as the acceptable token of puberty.

An important rabbinic novelty, apparently without parallel in antiquity, made extensive use of the biblical term *naara* (female adolescent) in order to qualify and quantify female puberty. *Naarut* was projected as, precisely, a six months' transitional period between childhood (minority) and adulthood (majority).⁶³ To fix the point from which these all-important six months were counted proved difficult. Adolescence could start precisely at age twelve and a day. But it could also be counted from the moment of the detection of two pubic hairs, which could happen as early as age eleven. If no hair appeared, the girl remained theoretically a minor till she reached the age of twenty or till she demonstrated signs that classified her as an *aylonit*. As far as boys were concerned, the biblical term *naar* carried no further rabbinic connotations or precision of puberty.

⁶³ Meacham, *Bagrut*, 14, 17ff.

Much depended on the formal ending of childhood. In Roman law, after reaching fourteen a child no longer needed a guardian, although only at age twenty-five did one become a *maior*.⁶⁴ In ancient Judaism, betrothal, divorce, exemption from levirate marriage, refusal to marry and the selling of paternal assets were intimately tied with proofs of puberty.⁶⁵ These were real enough concerns as clearly seen in a case reported in a late ancient collection of rabbinic judgments:

A male minor (*katan*), younger than nine and a day, betrothed a female minor (*ketana*) and she accepted him. If upon maturity (=reaching puberty) she then refused to accept him, the betrothal is null and void, nor does the girl (*naara*) require a writ of divorce (*get*) since she refused.⁶⁶

It is unclear whether the case implies that betrothal of boys older than nine and a day was valid regardless of kin relationship between the betroths. What seems clear is that during the six months transitional period of *naarut* between minority and majority the girl had the legal right to reject betrothal without waiting for a writ of divorce.⁶⁷ How exceptional was this judgment is difficult to ascertain.

The simultaneous application of several criteria of immaturity and maturity, of physical coordination or dependence on paternal shoulders, of puberty and prepubescence, of conflicting rabbinic (and Roman) recommendations, ultimately led to the simplest and most arbitrary measure of maturity according to precise biological age.⁶⁸ Calculations offered by Greek and Roman authors about the length of childhood focused on boundaries, be these between infancy, childhood and adolescence, or between children as a collective entity, and adults. Ptolemy delineated a childhood that stretched throughout the first twenty-two years of one's life.

⁶⁴ Gaius, *Inst.* I.196 (second century); *Inst.* I.22 (sixth century). ⁶⁵ Meacham, *Bagrut*, 26, 33f.

⁶⁶ H. I. Newman, *The Ma'asim of the People of the Land of Israel. Halakhah and History in Byzantine Palestine* (Jerusalem 2011) (Heb) (thereafter *Ma'asim*), no. 4, 127–8, who notes a disagreement between Palestinian and Babylonian sages concerning a valid age of betrothal, the latter espousing age thirteen and a day, while a rabbinic compromise accorded validity to betrothal of a minor aged eleven.

⁶⁷ Meacham, *Bagrut*, 14; N. Rubin, *Judaism and Jewish Life: Time and the Life Cycle in Talmud and Midrash: Socio-Anthropological Perspectives* (2008), 17–1.

⁶⁸ Laes, *Children*, 281 on *Inst.* I.22. pr., which cancelled the physical examination of boys' puberty on the ground of indecency, while leaving unaltered "the ancient rule" by which a girl completing her twelfth year was deemed fit for marriage; A. B. Schwartz, "Die justinianische Reform des Pubertätsbeginns und die Beilegung juristischer Kontroversen," *ZSS.RA* 69 (1952), 345–87. T Nid 5.4 holds that girls remain pure till puberty and that even upon reaching puberty they ought not to be examined physically lest their hymen may be fractured. On rabbinic recommendation of self-examination, C. E. Fonrobert, *Menstrual Purity. Rabbinic and Christian Reconstruction of Biblical Gender* (Stanford 2000), 138.

Varro, basing his calculations on a pattern of 5x3, designated age forty-five as the one marking the transition from youth (*iuvenis*) to seniority or full maturity.⁶⁹ For both Roman jurists and rabbinic discussants, the passage from childhood to adulthood remained a topic of controversy,⁷⁰ with each group striving to establish viable and universal criteria to account for varying degrees of physiological and mental maturity, and modes of behavior.⁷¹

The threshold dividing childhood from adulthood remained flexible. Around the Roman Mediterranean, fathers watched for signs of sexual maturity of their sons, bringing the good news from the public bath to the wife/mother at home, and setting the stage for a celebration of manhood, the ripening body of the boy.⁷² For girls, the critical day of leaving childhood behind was the day of their marriage.

The Meaning of Age: Numbers and the Integration of Children into Jewishness

The dilemma of connecting childhood with the obligations and actions of a specific gender underlie the following rabbinic “childhood-tables,” which use biological age as a criterion of integration and agency. Inserted into the Mishnaic tractate Nidda (menstruant), which deals with periods of female impurities,⁷³ the chart provides a unique guide of the functioning of minors. Above all, it demonstrates how children’s agency shaped modes of familial and social interaction.⁷⁴ In what follows, the Mishnaic text is arranged according to age and sex.

⁶⁹ Laes, *Children*, 903.

⁷⁰ Not to mention modern analyses, usefully summarized in K. S. Berger, *The Developing Person through Childhood and Adolescence*, 8th edition (New York 2012), esp. 405f. on biosocial, cognitive and psychosocial development.

⁷¹ On sexual personhood and puberty, A. Richlin, “Reading Boy Love and Child Love in the Greco-Roman World,” in *Sex in Antiquity*, ed. M. Masterson, N. S. Rabinowitz and J. Robson (London 2015), 352–73, esp. 352–5; Laes, *Children*, 278–80 on the end of childhood.

⁷² A. Rousselle, *Porneia. On Desire and the Body in Antiquity* (Oxford 1988), 59, based on the famous scene depicted in Augustine’s Confessions.

⁷³ Among several studies, Fonrobert, *Menstrual Purity* (Stanford 2000); *Women and Water. Menstruation in Jewish Life and Law*, ed. R. E. Wasserfall (Hanover 1999); T. Meachem, “Female Purity (Niddah)” and “Female Purity (Niddah). Annotated Bibliography,” *Jewish Women’s Archives*, both online (<http://jwa.org/encyclopedia/article>).

The Torah enumerates several causes of uncleanness or impurity: contact with a corpse (Num 19:11–22); bodily discharges including emission of semen and menstrual flow (Lev 12); woman’s bleeding at childbirth (Lev 12); and skin diseases (Lev 12–14). See also Chapter 4.

⁷⁴ Cf. the chart in J. Neusner, *A History of the Mishnaic Law of Purities. Part 15. Niddah. Commentary* (Leiden 1976), 83–4.

Girls	Boys
<i>A one day old</i> girl, if observed “menstruating” is deemed impure.⁷⁵ (M Nid 5.3)	<i>A neonate</i> can become unclean through a blood flux, leprosy symptoms, or contact with a corpse. He is subjected to rules of levirate marriage. He exempts his mother from the obligation of levirate marriage. By virtue of his birth his mother is permitted to have a share the <i>terumah</i> (priestly due) even on the day of his birth yet also he makes the same impossible.⁷⁶ At day old he has the legal capacity to bequeath and he can inherit. Anyone who kills him is liable [to capital punishment]. [If the baby dies] his parents and relatives mourn him as a bridegroom.⁷⁷ (M Nid 5.3)
At <i>ten days</i> old, if seen with an irregular discharge of blood, she is deemed impure. (M Nid 5.3)	
At <i>three years and one day</i> she can be betrothed through intercourse. If [after her husband’s death] her brother-in-law (=levir) has intercourse with her she is acquired and considered married to him. Consequently, anyone [who has sex with her] is subject to the rules [governing adultery]. She renders impure anyone who has sex with her and he in turn renders his environment unclean as well. If she is married to a priest she may share the priestly due (<i>terumah</i>).	(no parallels)
If any man belonging to the “unqualified” (i.e. marriage with him transgresses biblically ordained marital boundaries) has sex with her, she renders herself unfit to marry into the priesthood. If any man forbidden to her by virtue of blood-kin	

⁷⁵ And consequently is subjected to uncleanness as menstruant. Cf. the case reported in T Nid 5.14: It happened that [a baby girl “menstruating”] was born in Ein Bul. She was then immersed even before they immersed her mother.

⁷⁶ For his bondmen, pace Blackman, *Mishnayot*. On the legal capacity of minors to separate the priestly portion from the rest of the crops, an act tantamount to a mechanical action, T Ter 1.4, PT Ter 1.3, PT Yev 13.2, with L. Moscovitz, “The Actions of a Minor Are a Nullity? Some Observations on the Legal Capacity of Minors in Rabbinic Law,” *Jewish Law Annual* 17 (2008), 98–101.

⁷⁷ Cf. the funerary regulations outlined in tractate on “mourning” (Semahot).

(cont.)

Girls	Boys
[has intercourse with her], he will be put to death on her account but she is exempt from liability. If she is younger [than three years and one day, nothing of the above applies since sex with her] is like poking an eye with a finger (M Nid 5.4) (no parallels)	<i>At nine years and one day</i>, a boy who has sex with his widowed sister-in-law, has legally acquired her and cannot give her a divorce till he reaches majority. He becomes impure through contact with a menstruant and in turn contaminates his environment. He disqualifies [others] from sharing in the priestly due but does not qualify [her] to share in it. He disqualified sacrificial animals from being sacrifice on the altar ... If he has sex with any female listed in the forbidden degrees, they are executed on his account but he is exempt [from liability](M Nid 5.5)
The vows of a girl of <i>eleven years and one day</i> must be examined.⁷⁸ When she turns <i>twelve years and one day</i> they are deemed valid but they must be repeatedly verified during her twelfth year.⁷⁹ Before this time even if girls declare that: "We understand why and what we have vowed", nevertheless their vows are no vows and their dedication are no dedication. Thereafter, even if they declare that: "We have no idea why and what we have vowed", their vows are null and voice, their dedication is null and void. (M Nid 5.6)	The vows of a boy of <i>twelve years and one day</i> must be examined. When he turns <i>thirteen years and one day</i> they are deemed valid but must be repeatedly verified during his thirteenth year. Before this time even if the girls declare that: "[We understand why and what we have vowed]", nevertheless their vows are no vows and dedication no dedication. Thereafter, even if they declare that "We have no idea why and what we have vowed", their vows are null and voice, their dedication is null and void. (M Nid 5.6)

⁷⁸ J. R. Wegner, *Chattel or Person? The Status of Women in the Mishnah* (Oxford 1988), 36 adds: "if the girl understands what she is doing, her vow may stand unless her father revokes it, even though her general obligation to obey the precepts of Scripture does not accrue until the completion of her twelfth year."

⁷⁹ "This period of vows" *onat nedarim* is of unclear origins, Moscovitz, "Legal Capacity," 93 note 106.

(cont.)

Girls	Boys
A female aged <i>twenty</i> who has not sprouted two hairs must bring proof that she is indeed twenty years old. She is then deemed an <i>aylonit</i> (sterile, masculine). She may not perform <i>halitza</i> nor contract levirate marriage. This is according to the house of Hillel. But the house of Shamai says: this applies when she turns <i>eighteen</i> . Rabbi Eliezer [concurs] because females mature faster than males (M Nid 5.9)	A male aged <i>twenty</i> who has not sprouted two hairs must bring proof that he is indeed twenty years old. He is then deemed a <i>saris</i> (eunuch, feminine) – he may not perform <i>halitza</i> nor contract levirate marriage. This according to the house of Hillel. But the house of Shamai says: this applies when he turns eighteen. Rabbi Eliezer disagrees because females mature faster (M Nid 5.9)

Birth and Impurities (M Nid 5.3)

The birth of a male child introduced the potential of new alignments into the intricacies of familial configurations. That of a female child inaugurated a chain of impurities that accompanied pregnancies and menstruation. Both female and male newborns were potentially objects of ritual impurity from the day of their birth.⁸⁰

Throughout childhood children attracted impurities. At birth a blood discharge detected in a newborn necessitated purification.⁸¹ Growing up, children constantly engaged in activities which, by rabbinic standards, generated impurities:

Pomegranates, acorns or nuts which children (*tinokot*) hollow out so as to create a pair of scales out of them in order to measure soil are impure because children act without due consideration. (M Kel 17.15)

Pomegranates, acorns and nuts are three common fruit with a hard shell which, if hollowed, could be used as toys as well as scales. As “tools” the shells were susceptible to impurity. Children’s games which were ordinarily deemed inconsequential carried, in this instance, consequences. Two issues were at stake: the child’s realization that these fruit were not only edible but also potentially serviceable tools rather than toys, and the intent to use these

⁸⁰ T. Meacham, “Legal-Religious Status of the Female According to Age” in *Jewish Women’s Archive* (online).

⁸¹ Chapter 2. In addition, the birth of a girl necessitated a longer period of purification for the mother than the birth of a boy, Lev. 12:2–5; J. Klawans, *Impurity and Sin in Ancient Judaism* (New York 2004), passim.

to conduct transactions, such as buying and selling, which entailed matters of im/purities. Since these involved both action and intention, the question arose whether intention could be inferred from the action itself. According to a rule ascribed to Rabbi Yochanan, a famed Tiberiad sage (third century), the very action of a minor (*katan*) provided sufficient evidence of intent even without verbal articulation. However, expressing an intention in itself was not sufficient proof of subsequent actions (BT Hullin 12b–13a).

Infancy and Its Implications (M Nid 5.4)

The stages of early female childhood offered a narrow interpretative grid of the social role of girls. Life as a female began with a set of rules which positioned her three-year-old body at the heart of familial considerations of matrimony coupled with potential hazards of rape and adultery. In a society with an exceptionally high rate of mortality, the need to secure the future of young girls outweighed modern revulsion of pedophilia, as the following rabbinic vignettes imply.⁸²

It is narrated that Justina, daughter of Severus son of Antoni[n]us, appeared before Rabbi (early third century CE) and said to him: Master, at what age may a woman marry? He responded: At the age of three years and one day. She then asked: At what age is she capable of conception? He responded: At the age of twelve years and one day. To which she added: I was married at the age of six and bore a child at age seven. Pity that I lost three years under my father's roof . . .

A story is told of a certain woman who came before R. Akiva (early second century CE) and said to him: Master, intercourse has been forced upon me when I was under three years of age. What is my position with regards [to marrying into] the priesthood? He responded: You are fit [to marry] a priest. (BT Nid 45a)

The age of the female interrogators is not disclosed and the identity of the royal interrogator Justina is obviously invented. Her status lent additional authority to the rules related in the Mishnah, which the Babylonian Talmud reiterated in the name of two great Palestinian sages, Rabbi (Judah the Patriarch), redactor of the Mishnah in the early third century, and Akiva, a towering figure of scholarship who died a martyr in the 130s. Neither sage contested the validity of the age bracket of three years and one day as a key to the legal acquisition of a girl through intercourse, but Rabbi

⁸² J. Hauptman, *Rereading the Rabbis. A Woman's Voice* (Boulder 2008), 91 on this passage with the caveat that warnings of legal consequences of sex with minors of different ages and marital state do not sanctify either marriage or sex with a very young girl.

distinguished between the age of marriage and that of sex within marriage, while Akiva confirmed that the fractured hymen of girls younger than three did not undermine their marital prospects, even into priestly families.⁸³ Another Palestinian rabbi reputedly endorsed the marital prospects of a female convert if the conversion was achieved prior to age three and a day (BT Yev 60b). Babylonian rabbis rejected this benign approach not out of concern for the proselyte's tender age but from an exaggerated concern regarding the purity of priestly lineages.⁸⁴

A key deterrent in the inner-familial arrangements touching on these very young girls were the penalties in store for anyone besides the designated husband or brother-in-law (upon husband's death) who sexually abused her. These were the only two men who had a legal right to her body if she had been betrothed. Any attempt to invade it was considered not so much sexual violence as an infringement on another man's right to the sole control over his wife's sexuality.

Age three and one day also determined the degree of physical proximity at home where it was not uncommon for children to sleep with their parents.⁸⁵ How appropriate or inappropriate was it for girls above that age (and for boys above nine years and one day) to share a bed with a father while he attended to the obligatory prayers?

The master⁸⁶ said: A man who sleeps with his sons and daughters and other members of his household at his side must not recite the Shema unless there is a garment (*tallit*) separating them. But if his children and the members of his household are minors (*ketanim*), he may ...

What, then, is minority? Rabbi Hisda said: It is a girl (*tinoket*) up to the age of three years and one day, and a boy (*tinok*) up to the age of nine years and one day. Others say that a minor is a girl younger than eleven years and a day and a boy younger than twelve and a day. Both [seem to agree that] a girl

⁸³ Rubin, *Time and Lifecycle in Talmud and Midrash*, 16–17 distinguished between what he calls “first and second minority” for girls and boys, birth to three and three to twelve for the former, birth to nine and nine to thirteen for the latter.

⁸⁴ M Ker 1.2 allocates to proselytes a *ketubah* of 200 (zuz), the equal of the one expected of Jewish virgins. On rabbinic ideology of proselytes and investigation into genealogies, PT Yev 8.2, PT Bik 1.5, PT Kid 4.6 with C. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen 1997), 486 and passim. See also A. Sagi and Z. Zohar, *Transforming Identity: The Ritual Transition from Gentile to Jew Structure* (—), 152–3 on proselytism (*giyyur*) as “not an act of commitment to normative performance but acquirement of membership in the Jewish collective.” On rabbinic attitudes to proselytes, M. Lavee, “Proselytes are as hard to Israel as a scab is to the skin”: A Babylonian Talmudic Concept,” *JJS* 63 (2012), 22–48; and M. L. Satlow, *Jewish Marriage*, 151, on “devaluing the proselyte.” See, too, BT Kid 74b on M Kid 4.3.

⁸⁵ See also Chapter 2.

⁸⁶ Usually means that the following was transmitted anonymously, D. Weiss Halivni, *The Formation of the Babylonian Talmud*, intr. trans. ann. by J. Rubenstein (New York 2013), 46–7.

is a minor till *her breasts are fashioned or his [facial] hair grown* (Ezek 16:7). (BT Ber 24a)

The Babylonian view, here represented by rabbi Hisda, reiterated the Mishnaic dictum about the neutrality of the body of little girls. The dissenting voice, unidentified in this passage, was rooted in other Mishnaic dicta relating to the parameters of childhood.

Male Childhood (M Nid 5.5)

The boyhood outlined in the childhood tables earlier in this chapter emphasized the role of males in preserving and transmitting paternal lineage. The boy's very existence redefined familial relations since already at birth he was considered a fully fledged member of the family with inheritance rights and a role in processing levirate marriage. As early as age nine a boy could be harnessed to aid familial efforts of survival through the mechanism of levirate marriage. His was a role that assumed a capacity to engage in a viable intercourse even if lacking in either intention or understanding.⁸⁷ Sex with one's widowed sister-in-law was an act that bound the two in marriage. Divorce was only legally possible when the child became an adult (*gadol*).⁸⁸ If he had sex with a female relative within the forbidden degree, she was liable to capital punishment while he was exempt on account of minority. The severity of the proposed penalty was designed to drive home the magnitude of the transgression. The imposition and enforcement of death penalties were likely outside the official purview of rabbinic courts in Roman Palestine.⁸⁹

Children's Vows: Agency and Validity (M Nid 5.6)

Girls and boys had the legal capacity to undertake a vow, although the validity of their vows had to be tested against their intellectual maturity. Vows undertaken by girls older than twelve years and a day and by boys older than thirteen years and one day were deemed valid regardless of the

⁸⁷ T Yev 11.10–11; M Yev. 10.8, with Moscovitz, "Legal Capacities of Minors," 70.

⁸⁸ Weisberg, *Levirate Marriage*, 83ff. on forbidden degrees of kinship, levirs and familial configurations, and Chapter 5.

⁸⁹ Origen's famous comment in a letter to Africanus on surreptitious executions ordered by Jewish-Palestinian courts is problematic, if authentic, A. Oppenheimer, "Jewish Penal Authority in Roman Judaea," in idem, *Between Rome and Babylon* (Tübingen 2005), 173–82. There are, however, fascinating rabbinic discussions of modes of judicial execution that may lend substance to Origen's claim but also of Tannaitic opposition to capital punishment, Y. Lorberbaum, *In God's Image. Myth, Theology and Law in Classical Judaism* (Cambridge 2015), 100–55 and passim.

child's mental capacity. Nor could the child's father revoke these vows because by then it was assumed that the child had reached a degree of mental maturity sufficient to understand the meaning of her or his undertaking. These rules acknowledged the faster pace of female mental maturation, although the acknowledgment did not alter the fact that girls remained under paternal power till marriage or adulthood.⁹⁰ Vows undertaken by girls at age eleven and a day and by boys at twelve years and a day, respectively, were dismissed as invalid. Between these two ages the vowing child's comprehension (*da'at*) was repeatedly tested, girls throughout their twelfth year and boys throughout their thirteenth.⁹¹

Because vows also involved money, the questions that a child faced established its grasp over the finances involved in discharging its vow. M Arak 1.1 allows minors, as well as the deaf-mute and the mentally disable, to be vowed and valued but not to undertake vows that involved an active monetary assessment because they lacked *da'at*. The rule also considered the age of both the vowing and the vowed child:⁹²

How is age valued when vowing? A child (*yeled*) [vowing] the value ordinarily assessed on an elderly [person] (*zaken*) redeems the vow at that value, and vice versa ... What does value mean at the time of its evaluation? When a vow is made at the value of a child younger than five but is redeemed when the child is older, the value of redemption is in accordance with the original assessment. Similarly when one is younger than twenty when a vow is undertaken but older when it is redeemed. (M Arak 4.4)

It is unclear whether it is here implied that minority expires at age five. What seems clear is that the child itself has no say in the process of vowing and valuing. The only operative factor in the rule on the monetization of vows is the double effort to abide by the biblical injunctions which value children according to sex and age, and to regulate intergenerational relationships between the very young and the very old.

In the course of vowing, the child's active agency in the form of a declaration of purpose was vital.⁹³ When tested, the child had to respond

⁹⁰ Wegner, *Chattel*, 37, adding that even the girl's "emancipation" at age twelve and a half meant little since most would have been married by then and the emancipated unmarried daughter had severely limited life options outside the domestic sphere.

⁹¹ Abrams, *Judaism and Disability*, 130f. for an excellent discussion of the term *da'at*.

⁹² M Arak. 1.1, suggesting opposition to M Nid 5 allowance for children's vows, Moscovitz, "Legal Capacity of Minors," 94.

⁹³ On vows and vowing in general, J. N. Bailey, "Vowing Away the Fifth Commandment: Matthew 15:3–6/Mark 7:9–13," *Restoration Quarterly* 42 (2000) 193–209, focusing on the potential clash between the command to honor parents and the undertaking of vows (by adult sons) that can potentially undermine this precept.

with specific phrases such as “I know for what purpose I had undertaken my vow” (M Nid 5.6).⁹⁴ Contrary to biblical regulations on vowing children that dealt solely with vowing girls and with the limits of paternal intervention, the Mishnah relied on external verification of the validity of the child’s vow.⁹⁵ Several anecdotes illustrate the procedure involving children’s vows:

It is told that Hannaniah son of Hannaniah, whose father vowed him *nazir*, was taken to Rabban Gamaliel (mid first century CE) in order to examine the boy verify whether he has reached [an age of producing] tokens [of maturity, i.e. puberty].⁹⁶ Rabbi Yossi explains that [the examination was undertaken in order to establish whether] the boy has reached the age of undertaking vows (*onat ha-nedarim*). The child addressed Gamaliel saying: Rabbi, why are you so troubled? If I am in the power of my father (*reshut abba*), then I am a *nazir* by virtue of his authority. If I am subject to my own authority (*be-reshut atzmi*) I am *nazir* henceforth. Gamaliel stood up and kissed him on the head saying: I am now assured that this boy shall not die till he becomes a great teacher ...⁹⁷

A boy (*tinok*) dedicated his spade to Heaven. His father took him to Rabbi Akiva (early second century CE) who questioned him: Son, to whom did you dedicate your spade? Was it to the sun or the moon or the stars or the planets which are so very beautiful? The child responded: I dedicated solely to the One to whom all iron belongs. Upon which Rabbi Akiva concluded: This child was examined and proved correct (*baduk u-metukan*).

Since the precise age of the child protagonist of these stories is not specified, the question of the ending of childhood was once again examined. How old had a child to be in order to make a valid vow? Once a child reached the “halakhic age of majority” his vows were deemed valid but this could depend on reaching puberty or on a compromise between the

⁹⁴ J. Neusner, *A History of the Mishnaic Law of Purities 15: Niddah*, 86–5 on the “realia” of children’s vows.

⁹⁵ Num 30: 4–8 does not disclose the precise age of the vowing child beyond applying the term “*naarut*” and adding a reference to the power of her father to annul her vow but only if he intervened as soon as she uttered her vow.

⁹⁶ *Nazir* refers to a vow, publicly taken, of temporary renunciation of wine, of hair-cutting and of any contact with corpses.

⁹⁷ Cf. M Naz 4.6 and T Naz 3.17. A. Shemesh, ‘Nazarite vows as a scene of familial power struggles’, in *The Family in Late Antiquity: Between Kinship and Community*, ed. U. Simonsohn and Y. Fox (Jerusalem, forthcoming)(Heb), on the procedure as an attempt to limit the power of the father to impose a *nazir* vow on his child by conditioning it on the consent of the child itself and of his maternal relatives. Had the paternal will prevailed, the renunciation vow of *nezirut* would have lasted till puberty or till the child itself was capable of undertaking a valid vow. Whether the rituals linked with *nezirut*, such as the shaving of the child’s hair at the Temple, also ceased to exist by CE 70, with the demise of the Temple, as Shemesh claims, remains unclear. I am grateful to Professor Shemesh for kindly forwarding to me a draft of his article.

“standardizing age-based approach” and a more flexible approach that validated action of minors regardless of age.⁹⁸

A child who violated its own vow, for example by eating a food item which s/he had dedicated with a vow, could be subjected to flogging, at least according to Rabbi Huna (Babylon early third century).⁹⁹ The scriptural basis is clear (Num 30:3: *an oath or a vow undertaken to Yahweh cannot be broken*), although the Bible does not refer to children. The severity of the Babylonian sage rested on the assumption that in such matters adults and children ought to be judged by the same criteria. Whether this approach prevailed also in Palestine is probable but has no proof.

Procreation, Sterility and the End of Childhood (M Nid 5.9)

By the time an adolescent girl turned eighteen or twenty a sharp distinction was introduced internally, between a female and a “sort of female,” namely a girl capable of procreation and one deemed sterile (*aylonit*). Puberty and age-exactitude emerged as contradictory measuring rods of sexual maturity. In the context of a culture that treasured procreation the question was raised at what age “sterility” can be detected. According to one rabbinic opinion, puberty and adulthood could arrive at either twenty or eighteen. According to another opinion it was possible to detect puberty signs earlier among girls than among boys. This was important because it meant that a girl of eighteen would be declared *aylonit*, infertile, while a young man would be deemed infertile (*saris*, eunuch) only at twenty.¹⁰⁰ The consequences for both the *aylonit* and the *saris* were serious since sterility excluded females and males from the familial circles of marital obligations.

Keeping Track of Age

The childhood table of M Niddah 5 is remarkable on account of its precise numerology. We may then ask who kept track of the age of children and

⁹⁸ Albeit rejected by the majority of the tannaim, *Moscovitz* 93–4. ⁹⁹ BT Nid 46a–b.

¹⁰⁰ S. Lev, “How the Aylonit Got her Sex,” *AJS Review* 37 (2007), 397–416. J. Plaskow, “Dismantling the Gender Binary Within Judaism: The Challenge of Transgender to Compulsory Heterosexuality,” in *Heterosexism in Contemporary World Religion: Problem and Prospect*, ed. Marvin M. Ellison & Judith Plaskow (2007), 13–36; C. E. Fonrobert, “Gender Identity in Halakhic Discourse,” *Jewish Women’s Archive* (online), and Chapter 5. Cf. the Roman legal concept of a “eunuch,” namely a child whose puberty is not apparent at the anticipated age. The law makes an allowance by taking into account the age at which the child would have ordinarily reach puberty, *Gaius*, Inst. I.196 in his, *qui pubescere non possunt, quales sunt spadones, eam aetatem esse spectandam, cuius aetatis puberes fiunt*.

how was age reckoned? A vignette featuring Hisda, a famed Babylonian sage, is instructive:

Hisda ruled that a man is to be believed if he points to his children stating: This son of mine is nine years and a day, or, This daughter of mine is three years and a day. Such a declaration is reliable in matters of a sacrifice but not when it comes to flogging and other punishments. When a man declares: My son here is thirteen and a day, and my daughter here is twelve and a day, he is believed with regards to their vows ... but not in matters that may result in flogging and other penalties. (BT Kid 63b-64a)

Trusting paternal statements about the precise age of own children was likely calculated to overcome the problem of verification of puberty. But whether parents or families kept a record of births and deaths of their children is difficult to ascertain. To judge by Palestinian Jewish funerary epigraphy, hardly anyone kept a birth registry. At Rome it seems that nearly everybody did that, Jews and non-Jews alike. Surviving census returns (for taxation) and youth *ephebe* registers (which certified the registration of birth and the child's legitimacy) from Egypt indicate that recording birth was widespread, at least among certain classes.¹⁰¹ Census declarations were updated annually on the basis of notices of births and deaths, although parents were not necessarily delighted to disclose that their boy had just turned fourteen, and thenceforth was liable to taxation. Consequently, the accuracy of the censuses has been doubted.¹⁰² Nor is it clear whether age reckoning was based on the day of birth or on the first year of life. Although ceremonies marking the transition from childhood to adulthood, as well as birthdays, were certainly celebrated by the Romans, the fact does not necessarily indicate an awareness of exact ages.¹⁰³ Documents from the province of Arabia dealing with a Jewish boy who was a minor orphan and with his guardians do not contain a single reference to the precise age of the child.¹⁰⁴

¹⁰¹ R. S. Bagnall and B. W. Frier, *The Demography of Roman Egypt* (Cambridge 1994), passim, on methods of reckoning, with the corrections offered by N. Kruit, "Age Reckoning in Hellenistic Egypt. The Evidence of Declarations of Birth, Excerpts from the Ephebe Registers, and Census Returns," in *The Two Faces of Graeco-Roman Egypt. Greece and Demotic and Greek-Demotic Texts and Studies presented to P. W. Pestman*, ed. A.M.F.W. Verhoogt and S. P. Vleeming (Leiden 1998), 37–58.

¹⁰² S. Hin, "Counting Romans," 217. Scheidel, "Roman Age Structure," 14, on invisibility of children in tax lists. S. R. Hübner, "The Roman Egyptian Census," in eadem, *The Family in Roman Egypt. A Comparative Approach to Intergenerational Solidarity and Conflict* (Cambridge 2013), 21–7.

¹⁰³ Laes, *Children*, 282. ¹⁰⁴ Below Chapter 8.

Summary

Locked into a single vision, the female child was perceived as a blocked body till the age of three years and one day, and as a blocked mind till the age of twelve years and one day. In this double register of mind and body, a canonical distribution between a female and male childhood was formed and confirmed. The male child was perceived as a building block of familial affiliations. From the moment of birth to eighteen or twenty, the life of a Jewish child was punctuated by obligations designed to impress a sense of belonging. Purity, sexuality and vows highlight a concept of childhood of both disparate and similar gender obligations, heightened by messages about filiation. If Jewish childhood begins in the womb, the end of childhood proved considerably more elusive.¹⁰⁵

To pit reality against the theories of childhood, albeit not necessarily a fatal opposition, entails following children as objects of domestication. The boundaries between the theoretical discourses of childhood and the representations of children in the spaces where childhood would have been passed are not easy to trace. I am asking how the multitude of manifestations that accompanied children at home, on the streets, at school and in spaces of labor expand the theoretical horizons woven around childhood. Consequently, the exploration of the routines of childhood, the subject of the next chapter, leads to an examination of children's activities and interactions in spaces where their presence was registered.

¹⁰⁵ On fetuses as members, G. Kessler, *Conceiving Israel. The Fetus in Rabbinic Narratives* (Philadelphia 2009), *passim*.

CHAPTER 2

Vagaries of Childhood *From Cradles to Graves*

This chapter follows the life course of a Jewish child from prenatal negotiations to an untimely death. Through surviving marriage contracts and rabbinic rules relating to marital negotiations it is possible to glean a sense of the place of future children in the arrangements and hopes preceding the wedding. Jewish infancy is presented in rabbinic literature as a period that prepares a child to transition from maternal milk to paternal obligations of maintenance. To grow up Jewish means to abide by rules and obligations that defined affiliation and belonging.¹

Prenatal Negotiations

Long before the birth of a girl or a boy, the subject of future children and their rights vis-à-vis each parent was raised during the delicate stage of marital negotiations and inserted into marriage contracts. The attention thus paid to procreation lent a distinct Jewish hue to documents that throughout the Roman Mediterranean routinely spelt not the rights of children yet to be born but the assets of the would-be couple.² A handful of surviving Jewish marriage contracts (*ketubot*), recovered from caves in the Judean desert (late first/early second century CE), refer to the intricate and intimate ties the birth of a child forged between fathers, daughters and sons.³ The contracts articulate paternal responsibility to maintain own children, a stipulation based not on an inborn love for one's offspring but on a set of contractual obligations.

¹ I emphasize yet again that the bulk of the children discussed were male and not female, reflecting the obvious bias of the sources

² Satlow, *Jewish Marriage*, 85, "the only uniquely Jewish legal stipulation."

³ Documents cited according to N. Lewis, Y. Yadin, J. C. Greenfield, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri* (Jerusalem 1989); Y. Yadin, J. C. Greenfield, A. Yardeni, B. A. Levine, *The Documents from the Bar Kokhba Period in the Cave of Letters. Hebrew, Aramaic and Nabatean-Aramaic Papyri* (Jerusalem 2002).

Drawn in Greek and Aramaic, the main purpose of the *ketubot* was to protect bridal assets in case of divorce and/or death. The addition of a “children clause,” also recorded in rabbinic writings, provides precious insights into the application of ideologies to the realities of marital life.⁴ Two Greek *ketubot*, drawn up in 128 and 131 CE, respectively, record the groom’s undertaking to maintain children born to the couple in lawful wedlock according to “Greek custom” and to “Greek custom and style.”⁵ Neither term is explained.⁶ Another *ketuba*, drawn up in Greek, distinguishes between female and male children: daughters were to be maintained at home till they married, while sons were to inherit their maternal assets should the mother die before the father, as well as paternal assets together with any stepbrothers they might have.⁷ Contemporary Aramaic *ketubot* include a similar “children clause” which registers paternal obligations to feed and clothe daughters born in wedlock till they marry and the right of sons to inherit maternal assets.⁸ The custom invoked in this document was not Greek but Mosaic. Nor were children neglected in remarriage contracts. One such registered the obligation of the new husband, (in this case also the bride’s ex-husband), to maintain the children born to the couple during their first nuptial round as well as future children born in the second wedlock, whether female and male.⁹ One wonders what

⁴ As early as the second century BCE, Edomite marriage contracts contained a strikingly similar clause regarding the right of sons born in the marriage to inherit their father’s property but say nothing about daughters. See E. Eshel and A. Kloner, “An Aramaic Ostrakon of an Edomite Marriage Contract from Maresha, Dated 176 BCE,” *Israel Exploration Journal* 46 (1996), 1–22, esp. 13–14. See also P. Louvre 2433 (252 BCE): “Your eldest son is my eldest son and the owner of everything which belongs to me, together with that which I will acquire,” and PBM 10591 (181 BCE): “to you belongs one third part of all and everything on behalf of the children whom you will have borne to me” (available online). Cf. U. Yiftach-Firanko, *Marriage and Marital Arrangements: A History of the Greek Marriage Document in Egypt. 4th century BCE–4th century CE* (Munich 2003), passim. On paternal responsibility of maintaining children after divorce, J. Evans Grubbs, “Children and Divorce in Roman Law,” in *Hoping for Continuity. Childhood, Education and Death in Antiquity and the Middle Ages*, ed. K. Mustakallio et al. (Rome 2005), 34. I am grateful to Judy Evans Grubbs for mailing me a copy of her article.

⁵ *hellenikoi nomoi*, P. Yadin 18, line 16; *nomoi hellenikoi kai hellenikoi tropoi*, P. Yadin 37, lines 9–10. See also N. Lewis et al., “Papyrus Yadin 18: Text, Translation, and Notes,” *IEJ* 37 (1987), 229–50. For different interpretations, A. Wasserstein, “A Marriage Contract from the Province of Arabia Nova: Notes on Papyrus Yadin 18,” *JQR* 80 (1989), 93–130; R. Katzoff, “Papyrus Yadin 18 Again: A Rejoinder,” *JQR* 82 (1991), 171–6. For an overview of contracts and modern controversies, J. G. Oudshoorn, *The Relationship between Roman and Local Law in the Babatha and Salome Komaise Archives. General Analysis and Three Case Studies on the Law of Succession* (Leiden 2007), 378–422.

⁶ Cf. The Edomean Maresha marriage contract that refers to the *nomos* of the daughters of [Edom], perhaps to custom rather than law according to which the marital agreement was laid down, Eshel/Kloner, “Maresha,” 12. See also the ketubah of Antinoopolis, Chapter 11.

⁷ P. Mur. 116; P. Benoit, J. T. Milik, R. de Vaux, *Discoveries in the Judaean Desert. II. Les grottes de Murabba’at*, 2 vols (Oxford 1961).

⁸ P. Mur. 21. ⁹ P. Mur. 115.

provisions would have been made for the bride's children had she chosen to marry another man and not her ex-husband. Would the new husband be responsible for maintaining the children born to his wife by another man?

Ensuring the well-being of children born in legal wedlock, Jewish marriage contracts anchored, simultaneously, the right of the wife/mother to her bridal assets, of which the sole beneficiaries were to be her children (m.), and the obligation of the husband/father to maintain the children out of his own assets. An inequality marked the rights of female and male children, the former to be maintained until they marry, the latter to inherit both maternal and paternal assets upon parental demise. Unsurprisingly, a host of questions stemming from the brevity of the *ketubot's* "children clause" required elaboration once a child was actually born.

Celebrating Birth

How was the birth of a child celebrated? With the exception of birth rites linked with boys, namely circumcision and the redemption of the eldest son, we do not know if and how these occasions were celebrated, with one notable and not unproblematic exception. A quaint Palestinian tradition, preserved in the Babylonian Talmud and assigned with astonishing precision to the period just before the outbreak of the war against Hadrian (in 132 CE), linked birth with maturation and marriage:

There was a custom [in Palestine]: When a boy (*yenuka*) was born they used to plant a cedar tree. When a girl (*yenukta*) was born they used to plant a pine tree. When the two got married, the tree was cut down and a canopy was made of its branches.

One day, the daughter of the emperor was passing by when the shaft of her litter broke, so they lopped some branches off the cedar tree and brought it to her.

The Jews thereupon fell upon them. It was reported to the emperor that the Jews were rebelling, and he marched against them [and Bethar was destroyed].¹⁰

The encounter between text and politics, so somber in the end, is anchored in a beautiful imagery of new life. Nature and human hands combine to plant trees at the moment of human birth. Families look forward to the

¹⁰ BT Git 57a. A. Tropper, "On Children, Cedar Trees, Hens and Destruction," *Jerusalem Studies in Jewish Folklore* 24–25 (2006–2007), 69–86 (Heb), provides a commentary on this passage and its parallels in PT Taan 4.5 and LamR 2, noting that ceremonies of childhood that did not belong to the rabbinic halakhic system were rarely recorded, an omission that should not undermine their authenticity. For types and decorations of wedding canopies, PT Sot 9.16.

maturation of their neonates as farmers do with their plants. The ultimate reunion, a stage in a predictable lifecycle of birth–marriage–birth, symbolizes both the culmination of the process and the promise of more beginnings. Birth emerges as a projection of a perfect harmony of nature and human procreation.

The two parties to the party, Jewish celebrants and Roman intruders, are keen to fulfill their respective obligations.¹¹ But the imperial daughter is cast as a hostile entity who disrupts a genealogical celebration of parentage, the very relationship that confers omnipotence on her entourage.¹² This brief narrative of custom–rebellion–suppression–obliteration shows how imperial servants gravely undermine the laws of sexual reproduction and the equilibrium of the neonates by appropriating the custom's function for a different purpose. The idyllic imagery of universal moments in the life cycle of both Jews and Romans does not stand the test of relations between the rulers and the ruled. Misunderstanding and hostility become analogous textual units that unfold two defunct Palestinian customs, tree planting at birth and wedding marches accompanied by a cock and a hen.¹³ Both these scenes of familial rejoicing are replaced with a national catastrophe, made all the more tragic if we imagine the emperor's daughter as a child.

As instruments of future familial bonding, babies and trees introduce sexuality. Bearers of humanity and of nature, the neonates present a symmetry of gender and life cycle which balances birth with marriage and trees with humans. With this presentation of generational affirmation, the birth of a child meant genesis all over again.

A child born in a Jewish family signified the success of matrimonial investment ascribed directly to God:

A matron (or Matrona) asked Rabbi Yossi bar Halaftha: How many days did God take to create the universe? The Rabbi responded: Six. What has been done since? She asked. God has been fully engaged in matching a woman with a man and a man with a woman, the rabbi responded. She said: I can match hundred male slaves with hundred slave maids in a single night! She went and did just that but the slaves proved recalcitrant, standing up and

¹¹ It is, in fact, unclear whether the clash occurred during a celebration of a birth or of a wedding, probably the latter. Cf. other links forged in rabbinic texts between wedding customs and wars with Rome, *M Sot* 9.14; *BT Sot* 49b.

¹² Cf. the casting of the emperor's daughter as an emblem of defeated Rome in other contexts, M. Balberg, "The Emperor's Daughter's New Skin: Bodily Otherness and Self-Identity in the Dialogues of Rabbi Yohoshua ben Hanania and the Emperor's Daughter," *JSQ* 19 (2012), 181–206.

¹³ *BT Git* 57a, symbolizing future fertility. The custom was allegedly interrupted by the presence of Roman soldiers. For other wedding customs, *BT Ket* 16b–17a (dancing before the bride with words of praise).

beating one another and injuring each other as they quarreled over who takes whom.¹⁴

To draw an interpretation from the metaphor, sealing a union between the sexes is hardly like filling a void with relentless and carefully planned frequency of slave breeding. Only divinely conceived schemes and exact identification of prospective couples allow for fruitful human association and procreation.¹⁵ Beyond matching females with males, God also supervises the process of conception by becoming an intermediary between parents and children, an activity that provides two models of ways of thinking about the procreative process:

Among mortals (*basar va-dam*) the rule is that if one goes to a sculptor (maker of images, *ose tzlamim*) and says to him: Make me an image of my father, the sculptor says: Let your father come and pose before me or bring me a likeness (*ikonin*) of him and I will make you an image of him . . . Out of a single drop of a fluid (*tipa shel mayim*) God grants man a son who is the spitting image of his father.¹⁶

A man's desire to have a son molded in his own image verges, in this presentation, on idolatry. Only God can wield the correct configuration from the tiniest particle.¹⁷ Between God and men a mere drop touched by the divine hand possesses a creative principle that launches the male seed.¹⁸ Both concepts of the formation of a human fetus express male desire to have sons rather than daughters.¹⁹ Joyous at birthing a son, a father thanks God with words which his wife is expected to echo as a sharer in the ecstasy and relief over giving birth to a male rather than to a female child:

If a man is informed that his wife gave birth to a male (*zakhar*), he says: Blessed be the Maker of good and Who does good. His wife shares in the happiness of having harbored a male.²⁰

¹⁴ GenR 68.4; LevR 8.1, with T. Ilan, "Matrona and Rabbi Jose: An Alternative Interpretation," *JSJ* 25 (1994), 18–51; R. Raviv, "The Dialogue between Rabbi Jose ben Halaftha and Matrona: between Genesis Rabbah and Leviticus Rabbah," *Sidra* 23 (2008), 121–32 (Heb).

¹⁵ Cf. BT Sot 2a where the difficulties of match making are compared to the cleaving of the Red Sea.
¹⁶ Mekhilta Shirata 8, Lauterbach, 210.

¹⁷ G. Kessler, *Conceiving Israel*, 78, on this tannaitic passage as the earliest midrashic theory on children's inherited traits and sex determination; on this passage as indicating rabbinic familiarity with Roman customs of funerary portraits of children, Eliav, "Roman Statues, Rabbis and Greco-Roman Culture," in N. Norich and Y. Z. Eliav, *Jewish Literatures and Cultures: Context and Intertext*, (Providence 2008), 102 with Mekhilta Pisha, 13.

¹⁸ A speculation echoing Aristotelian views on a child's sex determination and parental physical resemblance, Gen. An. 729a30, with V. Dasen, "Becoming Human: From the Embryo to the Newborn Child," in *The Oxford Handbook of Child and Education in the Classical World*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 17–39, esp. 18.

¹⁹ An idle wish that the Mishnah (M Ber 9.3) appears to mock. ²⁰ BT Ber 59b.

No such blessing was uttered or recorded at the birth of a daughter.

A well-known theory of rabbinic embryology re-enlisted mothers in order to endow the unborn with distinct characteristics:

The white [substance of a child] comes from the man, from whom the brain, bones and tendons are provided.

The red [substance] comes from the woman, from whom the skin, flesh and blood are provided.

The breath, spirit and soul come from the Holy One.

And all three are partners in [the child's] creation.²¹

Both parents and God play a critical role, their absence all the more notable from the custom of planting trees at birth.

The birth of a Jewish child in Roman Palestine meant the carrying of a legacy going back to the very first divine injunction to humanity. Like the creation itself, birth entailed a passage from invisibility and incoherence to visibility and membership in a group defined by subordination to the Torah. Still, the ideal number of children fulfilling the biblical command of fruitfulness and multiplication (Gen 1:28) proved a matter of some controversy, one school espousing two sons, the other one of each sex.²² Such calculations were somewhat tempered by the wry observation of a sage who claimed that noisy children shorten one's life.²³

Maternal Milk and Paternal Maintenance

Cultural practices, such as breastfeeding and weaning patterns, affected the chances of children's survival. Nursing a child was, in essence, a matter of contractual marital obligations between spouses, dependent on bridal means.²⁴ The Mishnah lists breastfeeding among the obligations that a wife owed her husband, to be rescinded if she joined him with two maidservants (M Ket 5.5). Nursing one's child ranked, in fact, below the

²¹ PT Kila'im 8.4; R. Kiperwasser, "'Three Partners in a Person.' The Genesis and Development of Embryological Theory in Biblical and Rabbinic Judaism," *Lectio Difficilior* 2 (2009) (online), for a splendid analysis of parallel passages of the concept of "three partners" (translation on the quotation on page 5). Cf. Dasen, "Becoming Human," 27–8 on life *in utero* and parental contributions to the child.

²² Ideal number of children—Hillel, one each; Shammai, two sons, T Yev. 8.4; M Yev. 6.6, with J. Cohen, "Be Fertile. Fill the Earth and Master It". *The Ancient and Medieval Career of a Biblical Text* (Ithaca 1992), 126–8.

²³ M Avot 3.10: Rabbi Dosa, son of Harkinas said: Morning nap and midday alcohol and children's chat (*sichat yeladim*) and sitting in the assemblies of the people of the land (=commoners=*batei knesiot shel amei haaretz*) shorten one's life. On children of *amei haaretz*, Chapter 1.

²⁴ M. Gruber, "Breastfeeding Practices in Biblical Israel and in Old Babylonian Mesopotamia," *JANES* 19 (1989), 74–5 [61–83].

wifely obligation of weaving, which even one hundred maids could not fulfill instead of the wife, and of ministering bodily comforts to her husband (anointing, washing feet, and pouring his glass) (PT Ket 5.6).

When breastfeeding proved incompatible with maternal piety the question of priorities was raised again:

If she [the mother] undertook a vow not to nurse her child (*bnā*, son), the house of Shammai says that she must remove her breasts from the child; the house of Hillel says that he [the husband] can compel her to breastfeed. Should she be divorced she is not obliged to breastfeed. If her child recognizes her, she is paid to breastfeed him on account of the danger to its life. A man cannot force his wife to breastfeed his associate's child (*ben haveryo*) nor can she oblige her husband [to allow her to] to breastfeed her friend's son (*ben haverta*).²⁵

Maternal vows, an expression of one's piety, and child's welfare appeared incompatible. In fact, the desire to exhibit piety through vows generated an arena of domestic clashes between male power and maternal piety. Two interpretative arguments attempted to heal the breach, one espousing the fulfillment of the vow, the other authorizing husbands to force their wives to breastfeed. By way of a compromise, two situations were taken into account, divorce and a child's recognition of maternal breasts. Maternal milk became a commodity dependent on the child's developing senses. The age at which a child was able to identify its mother became a pivotal moment which transformed maternal milk into an object of negotiations between parents. By one rabbinic counting, this age varied from thirty days old to three months old, with the majority of rabbis settling on fifty days old.²⁶

A baby's body could have been repatriated and the task of nurturing it entrusted to a woman, servile or free, who had not given it birth but who was bonded to the baby during the first two years of its life. The husband could use his wife's dowry to provide for a wet nurse if maternal milk was unavailable.²⁷

A woman is obligated to care for her child (*bnā*, son) during [the first] twenty-four months of its life, whether it is her own child or one whom she

²⁵ T. Ket 5.5, PT Ket 5.6. See I. Z. Gilat, "Is a Mother obliged to Nurture and Breastfeed Her Children?" in Idem, *Family Law. The Relations between Parents and Children* (Tel Aviv 2000), 209–48, esp. 209–30 (Heb). I am grateful to Israel Zvi for kindly bestowing a copy of his bulky book.

²⁶ BT Ket 60a.

²⁷ G. Labovitz, "These are the Labors: Constructions of the Woman Nursing her Child in the Mishnah and Tosefta," *Nashim* 3 (2000), 15–42.

was asked to breastfeed. She may not engage in another work [while nursing] nor breastfeed with him another child (T Nid 2.3).²⁸

Beyond the two-year period it was believed that allowing a child to continue suckling was an invitation to imbibe impurities. But there were also sages who condoned breast feeding up to the age of five unless the child itself decided to cease suckling (T Nid 2.3).

Substitutes for maternal milk were grudgingly acknowledged:

A woman should not release milk from her breasts (*takel midadeiha*) into a cup or a bowl and feed her child in this manner. An infant may not suckle from a Gentile nurse nor from a [ritually] impure animal. But if there is danger (*sakana*) [to the child], nothing stands in the way of saving a life (*pikuah nefesh*).²⁹

Objections to these modes of feeding were grounded in fears of im/purity, either of the vessels where maternal milk was stored, or of the milk of a gentile nurse or of an animal. The rabbis were probably familiar with feeding bottles. Vessels shaped like animals with small nozzles used to collect maternal milk and to feed infants were discovered in Dura Europos, a garrison town on the Euphrates.³⁰ Breathing purity into maternal breasts may have suited austere rabbis but the fragility of suckling infants allowed others to avoid rigidity.

The ideal of a child nurtured by its own mother for two full years may have been aimed at leveling social and economic disparities. It sat uneasily with the candid rabbinic acknowledgment of the impact of the size of bridal dowry, which entailed advantages that obviated wifely and maternal duties. Behind this rabbinic contradiction it may be possible to detect the influence of Roman prejudices which regarded breastfeeding as a phenomenon bred by poverty and primitivism.³¹ Children of upper classes had a

²⁸ Nor was a nursing mother allowed to remarry, contributing to “a sense that her obligation extends beyond what she owes to her husband to what she owes to her child and his welfare,” Labovitz, “Labors,” 28. Even intercourse with one’s own husband was forbidden during the period of breastfeeding lest a new pregnancy may hasten an untimely and hence dangerous early weaning of a nursing child (T Nid 2.6 with T. Meacham, “Contraception,” *Jewish Women’s Archives*, online).

²⁹ T Shab 9.22. Yet another tannaitic rule (M AZ 2.1) did allow a *nochrit*, a non-Jewish woman, to breastfeed a son of an Israelite woman as long as the nursing was done in the domestic space of the mother. On the possibility that the phrase *pikuah nefesh* was an editorial addition, N. L. Collins, *Jesus, the Sabbath and Jewish Debate: Healing on the Sabbath* (London 2014), 247.

³⁰ J. Baird, *Inner Lives of Ancient Houses*, 231 and Chapter 7. Scheidel, “Roman Age Structures,” 7, insists on the absence of bottle feeding in Roman times but the rabbinic prohibition suggests the opposite.

³¹ Juvenal 6.592–3; Varro, *de re rustica* 2.10.6–8; Tacitus, *Germ.* 20.1. Laes, *Children*, 69–77 on wet nurses (*nutrices*) in the Roman world as “the women responsible for milk and education” (p. 77).

choice of lactating substitutes; those of lower and servile classes were bonded to the maternal breast.

Balancing rules about maternal milk are discussions regarding paternal maintenance of children. Rabbinic visions of domestic harmony rested on the same assumptions that guided the compilers of Jewish marital contracts (*ketubot*). Both aspired to delineate the rights and responsibilities of future marital partners, primarily of the husband/father.³² The Mishnah provides an exact articulation according to gender and status:

1. Any male children born in wedlock are to inherit their mother's *ketuba* assets, in addition to their share of paternal assets to which they are entitled together with any step-brothers they may have.
2. Any female children born in wedlock have the right to live at home and be maintained at paternal expense till they marry.
3. The widow is entitled to stay in the home she had shared with her deceased husband and be maintained out of his assets during her lifetime.³³

These stipulations were embedded in a context that ensured, simultaneously, the right of both male children and of widows to be maintained after the demise of the father/husband.³⁴

In spite of the apparent equilibrium between sons and daughters in the "children clauses" of both marriage contracts and rabbinic dicta, dissenting voices were raised and glaring inconsistencies noted.³⁵

³² Cf. Augustine's observation: "you made a contract regarding the manner of your marriage. The writing of that contract rings clear: it is for the sake of bearing children," Sermo 278, quoted in C. Francese, *Ancient Rome in So Many Words: Liberi* (posted online).

³³ M Ket 4.10–12. Attitudes to widows varied, hinging primarily on the widow's right to continue living in her husband's home after his death and on the heirs' obligation to sustain her, M Ket 4.12.

³⁴ M BB 8.4–5 deals with daughters' entitlement to be maintained at parental but not at maternal expense, and with paternal preferences.

Whether these stipulations further attest polygyny is another question, Satlow, *Marriage*, 85, 189–92.

³⁵ For a useful summary, L. J. Archer, *Her Price Is beyond Rubies. The Jewish Woman in Graeco-Roman Palestine* (Sheffield 1990), 43–69. For an attempt to resolve contradictions with a brief overview of modern scholarship, A. Tropper, "On the History of the Father's Obligation to Maintain his Children in Ancient Jewish Law," *Zion* 72 (2007), 365–99 (Heb). See also I. Z. Gilat, "Do the Financial Rights of the Father over his Children Stem from his Guardianship?" *Bar Ilan Law Studies* 12 (1995), 119–63 (Heb.); and idem, "Divergences in Halakhic Laws concerning a Father's Obligation to Support his Children. A Proposed Model," *Bar Ilan Law Studies* 13 (1996), 507–52 (Heb). On historicizing rabbinic precepts by linking fluctuating rules with periods of either plenty/peace or penury/rebellion, E. Westreich, "A Father's Obligation to Maintain his Children in Talmudic Law," *The Jewish Law Annual* 10 (1992), 177–212, esp. 191–4. Cf. Digesta 25.3 (recognition and maintenance of children in exchange of children supporting parents later in life), esp. 25.3.5.1 (Ulpian, early third century CE): "if anyone asks his children to support him or children seek support from their father . . . should the father be forced to support only children in his power or also children who have been emancipated or have become independent? . . . I think it is better that even in the latter case they should be supported by their parents and in turn have the obligation of supporting their

A father is not obligated to maintain his daughters. This is what Rabbi Eleazar son of Azaria preached in front of the sages assembled in a vineyard in Yavneh. "Sons inherit, and daughters are maintained" signifies that just as sons inherit only after the death of the father, daughters, too, can only be maintained after the death of their father.³⁶

In the redacted order of the text this dissenting dictum was placed before the list of *ketuba* provisions. Should one surmise that originally daughters had been supported only after their father's demise?³⁷ Or that Rabbi Eleazar's radical contribution to the subject was deliberately recorded before the *communis opinio* only to be refuted? Does the sequence suggest a challenge to the inherent ambiguity of the stipulations? Perhaps Eleazar's words were calculated to promote the principle of paternal power even at the expense of the customs that safeguarded daughters' right to be maintained from infancy to marriage.

Eleazar's singular interpretation elicited a lengthy debate among Palestinian rabbis reported in the Babylonian Talmud. The questions raised included:

parents (*alendos a parentibus et vice mutual alere parentes debere*) . . . ". D 25.3.5.6 (c. 150 CE) states that a father must support his daughter if it is proved in court that he was really her father (*ut filiam suam pater exhibeat si constiterit apud iudicium iuste eam procreatam*). D 25.3.5.14, (c. 170 CE) stipulates that a mother cannot obtain maintenance from her daughter's father more than the amount that she would spend on the girl by reason of motherly love (*materno affectu*).

³⁶ MKet 4.6. The venue selected for preaching is puzzling, suggesting that it was not a real vineyard but rather an arrangement of pupils in rows that reminded one of the manner in which vines are planted, PT Ber 4.1 (7d). The Tosefta (Ket 4.8) reports a controversy between Yochanan ben Broka and a colleague over the question of whether the maintenance of daughters is a legal obligation (*khova*) or a moral precept (*mitzva*). Yochanan is accredited with the former opinion also in the Palestinian Talmud (PT Ket 5.9), where later modifications are added, such as the obligation to provide for all small children (*ketanim*, minors). The Babylonian Talmud transmitted a different opinion in the name of the same sage (Yochanan), asserting that during the father's lifetime neither girls nor boys were to be maintained at paternal expense (BT Ket 49a–b). For an enterprising way to circumvent regulation, the T Ket 4.17 records: "daughters, whether engaged before maturity (*bagrut*) or matured before engagement, lose their maintenance rights but not (the income) derived from their labor (*parnasa*). Rabbi Shimon son of Eliezer says: Also their income. What did they (the girls) do? They hired husbands and collected their income through them."

³⁷ I. Lebediger, "The Minor in Jewish Law," *JQR* 6 (1915), 484–90 deals with this issue of supporting minor daughters as the posthumous duty of their fathers, which he regards as "the earliest trace of a conscious response to the question of supporting minor children" (p. 484), tied directly with marriage contracts and obligations of husbands toward wives. To support an "early" date, Lebediger states that the Mishnah speaks of the enactment as an old tradition (p. 485) but no date is provided. "Later" female orphans lost this right upon reaching majority at twelve and a half, or even earlier upon betrothal (p. 487, based on BT Ket 53b, 68b). As a "climax of a reform" regarding the support of female orphans, Lebediger refers to rabbinic decrees that when the property left by the father is insufficient to support both male and female heirs, the entire property should be given to the females (p. 489, based on BT Ket 108b).

1. Does maintenance of children constitute a legal or merely a moral obligation?
2. Until what age are fathers responsible, legally and/or morally, for maintenance?
3. How do paternal responsibilities differ according to the sex of the child?

It has been said that [a father] is under no obligation to maintain his daughters but that he is legally obliged to maintain his sons. It follows then that the former is a moral obligation (*mitzvah*) . . . Rabbi Meir claimed that since it is a moral obligation to feed daughters, it is all the more a moral obligation to feed sons since they [are engaged in studying] the Torah. According to Rabbi Judah, it is the father's moral obligation to maintain sons, and all the more to do so daughters because it is disgraceful if daughters have to beg and even more so if sons have to go begging. According to Rabbi Yochanan son of Broka it is a legal duty to feed daughters after the death of their father but that in his lifetime neither sons nor daughters are to be fed . . . R. Elai said in the name of Resh Lakish who had it from R. Judah son of Hanina: At Usha the sages stipulated that a man must maintain his sons and daughters while they are minor (*ketanim*). But is Elai reliable? Likely not . . . When a reluctant father was brought before Rava (fourth century Babylonian amora), the latter used to say: 'Does it please you that your sons should be maintained through charity?' . . . Now, we do not insist [on paternal maintenance as a legal obligation] when the father is not a wealthy man; but if he is he may be compelled even if objecting to! (BT Ket 49a-b)

Perhaps the most revealing aspect of this lengthy and patently inconclusive debate was the reference made to Usha, specifically the rabbinic synod in the Galilean town of Usha which was convened c. 140 CE following the failure of the Bar Kokhba revolt. It has been usually assumed that the demand to feed children was an outcome of the devastation wrought by the Roman during the suppression of the revolt.³⁸ Yet even the rabbis themselves appeared to doubt the connection between the ordinances issued at Usha and maintenance of children.

A related bone of contention focused on age definitions, a crucial determinant in a context that took the debate in a new and more pragmatic direction:

Rabbi Ulla (c. 300 CE) expounded at the door of the house of the Patriarch: In spite of the claim that a man does not provide for his sons and daughters while they are minor (*ketanim*, M Ket 4.6), he should provide for them

³⁸ See the reservation of G. E. Gardner, *The Origins of Organized Charity in Rabbinic Judaism* (Cambridge 2015), 136–7.

while they are very young (*kitnei ketanim*). Till when? Till they turn six years old. This according to Rabbi Assi . . . (BT Ket 65b)

Economic means were clearly crucial. But what if a father stole in order to feed his children? Resh Lakish (third-century Palestine) declared that beholding one's children in a state of starvation is like being bitten by a serpent (BT San 98b). He stopped short, however, of recommending theft, although reputedly he himself had come to the rabbinic academy from a career in brigandage.

The Mishnah contains rules that focused on the culpability of the children who benefit from paternal misdemeanor:

Anyone who steals to feed his children and puts the food in front of them – they are not responsible for indemnifying (the injured party). If the theft involved immovable property they must pay. Charity cannot be dispensed out of change/excess from the box of a custom official or the pocket of a tax collector but it can be taken from them at their home or the market. (M BK 10.1)

The moral of the rule is that if the children ate the food placed in front of them they were not held responsible for an action which constituted a transgression. Food is a movable property and children were expected to be aware of its precise source. But if the children were fed from profits derived, say, from a piece of land unlawfully acquired by their father, they were held responsible for compensating the lawful owners regardless of paternal motivation. A man could not practice charity toward his children at the expense of someone else's property.

Surviving marriage contracts which preceded the redaction of the Mishnah by a century attest the role of legitimacy of both marriage and children. It is impossible, however, to map out how disputes and discrepancies between rabbinic recommendations and the law of the documents were resolved. Even the sages found it difficult to reconcile the "evidence" of their colleagues with custom, law and biblical precepts. Invoking a rule of fair participation among siblings, the rabbis simultaneously acknowledged the right of fathers to deny the basic needs of their children. Contrasting morality with legally enforced obligations, and sons with daughters, meant that matters of maintenance remained consigned to a gray area between law and custom, tradition and transformation.

Caring for Orphans

In the absence of a paternal figure concerned with maintenance, who took care of minor orphans? Biblical prophets often railed against the abuse of

orphans and widows, while the Torah enjoined Jews to look after destitute relatives (Exod 22:22; Lev 25:34), but there are only a handful of guidelines regarding orphans in Palestinian rabbinic literature. Perhaps the absence indicates an integrative mechanism, with families assuming responsibilities for the orphaned child.³⁹ Jews were encouraged to extend paternal protection to orphans because Scripture itself views anyone who brings up an orphan in his home as the child's true father. The encouragement and its scriptural base may have been aimed at adults who studiously avoided the task of becoming guardians of orphans.⁴⁰ In first-century Alexandria, Philo referred to routine appointment of guardians as well as to guardians who betrayed the trust put in them with regards to the management of their wards' property.⁴¹

High rates of mortality meant that children stood to lose one or both parents at any point during childhood.⁴² In addition to low life expectancy, wars and natural disasters added a considerable number of orphans.⁴³ Penury and the loss of a father could send orphans to beg on the streets. When a family numbered orphans of various ages, efforts were made to ensure an equal distribution of paternal assets:

If he (the father who has just died) left minor and older males (*gedolim/ketanim*), the older cannot be provided for at the expense of the inherited

³⁹ An inscription from Lydda (Lod, Israel) refers to a Yethro Thinos as administrator or guardian of orphans (*phrontistes orphanon*), Schwabe, *Tarbiz* 12 (1941), 230–3; Hezser, *Literacy*, 381. On the terminology employed to designate guardians of orphans, R. Menahem, "Epitropos/Paqid in the Parable of the Laborers in the Vineyard," *Immanuel* 24/5 (1990), 118–31. See also Chapter 8.

⁴⁰ BT San 19b; Cf. P Oxy. XXII 2344 (c. 350 CE), a petition from a bishop seeking to avoid the responsibilities of guardianship of minor orphans, with C. Kotsifou, "Papyrological Perspectives on Orphans in the World of Late Ancient Christianity," in *Children in Late Ancient Christianity*, ed. C. Horn and R. R. Phenix (Tübingen 2009), 357 note 68. In general, T. S. Miller, *The Orphans of Byzantium. Children's Welfare in the Christian Empire* (Washington, DC 2003), who asserts that orphanages were an original innovation of the Byzantine church and state. For a comprehensive survey of orphans in the Roman world J.-U. Krause, *Witwen und Waisen im Römischen Reich III: Rechtliche und soziale Stellung von Waisen* (Stuttgart 1995) vols. 3 and 4.

⁴¹ *Quod deterius potiori insidari solet* 145; *De somniis* 1.107; H. F. Jolowicz, "The Wicked Guardian," *JRS* 37 (1947) 82–90; R. Kugler, "Dorotheos Petitions for the Return of Philippa (P.Polit.Jud. 7): A Case Study in the Jews and their Law in Ptolemaic Egypt," *American Studies in Papyrology* (Ann Arbor 2010), 392.

⁴² It is estimated that perhaps as many as one third of all children in every social and economic status over the entire ancient Mediterranean would have lost their fathers before they reached age fifteen, S. R. Hübner and D. M. Ratzan, "Fatherless Antiquity? Perspectives on 'fatherlessness' in the Ancient Mediterranean World," in *Growing up Fatherless in Antiquity*, ed. idem (2009), 9. I have not seen similar statistics about losing a mother in childhood.

⁴³ N. Rosenstein, *Rome at War: Farms, Families, and Death in the Middle Republic* (Chapel Hill 2004), 238, n. 102. The tractate on mourning (*Semahot*) 2.11 recommends that orphaned children whose parents were crucified in the city where they lived should not remain in that locality unless it was a big a city, such as Antioch!

share of their minor siblings, nor could the children be maintained at the expense of their older siblings. Each must have an equal share.⁴⁴

A similar rule applied to minor and older female children, but the Mishnah adds that girls were to be maintained at the expense of brothers, though not at the expense of their own sisters.

Much depended on the economic means of the deceased father:

Whoever died leaving sons and daughters well provided for, the sons inherit and the daughters are maintained. If there are minimal assets, the girls are maintained and the boys are sent to beg from door to door. Admon protested saying: Because I am a male I stand to lose? Rabbi Gamaliel said: I see sense in his words. (M BB 9.1)

Concern for female minor orphans without means is clearly reflected in the following discussion, as is the fear that a girl would be cheated of her due by her own relatives:

Those who marry off a female orphan should provide her with [a dowry] of no less than fifty zuz, and if there is money in the [public] pocket [of charity] she should be maintained according to her station (or the honor due to her, i.e. more than the minimum of fifty zuz). An orphan [minor] girl whose marital contract, as negotiated by her mother or brothers, specified a dowry of 100 or 50 zuz, may upon maturity reclaim the amount that should have been given to her even if her husband had declared in writing that: I have no further claim on her behalf . . . When [a minor] female or male orphans require maintenance [out of charitable resources] they first maintain the girl and then the boy because the latter can go begging but not the girl. When the orphans seek to marry, they first marry the female orphan and then the male orphan because the shame of a female is greater than that of a male. A male orphan who wishes to marry, they rent house for him as well as prepare a bed and then marry him off. (T Ket 6.7–8)

Orphaned girls without living relatives required both maintenance and a dowry at public expense. Girls whose widowed mother and brothers were too eager to marry them off with minimal financial obligation on their part had the right, upon reaching majority, to demand the amount that should have been their due (M Ket 6.6). Both concerns highlight the vulnerability of female orphans whose minority meant that they could be betrothed with implied yet uninformed or expressed consent. In one such case, when a girl changed her mind about her betrothed, a rabbinic court set her free from the bonds of betrothal. We do not know how many girls who were minor and orphaned languished in a marriage that had been arranged for them by

⁴⁴ M BB 8.7–8.

relatives. Rabbinic awareness of such situations created the mechanism of “refusal” (*meun*).⁴⁵

Losing parents, particularly a father, entailed a realignment of familial relationships that transferred children from paternal homes to that of grandparents, strangers or guardians.⁴⁶ Each configuration was complicated. The basic premise was that orphans lived with an adult, presumably a relative, or had a guardian (M Git 5.4). Egyptian papyri containing information about guardianship suggest that requests for the appointment of guardians were initiated by the family, particularly by female relatives on the father’s side who could not themselves serve as guardians but who recommended the appointment of a specific male relative.⁴⁷

If the family possessed significant assets the orphans should have been provided for along the terms employed in the relevant marriage contracts (T Ket 6.1–2). Care was taken to ensure that the widow did not spend the inheritance of her orphaned children.⁴⁸ Yet the rabbis refrained from demanding an inventory of the inherited assets that a widow might have used at the expense of the orphaned children whose inheritance also provided for her own maintenance.⁴⁹ Nor was it a rare sight in late antiquity to witness an orphan’s relatives ranged against one another in an effort to prevent plunder while endeavoring to facilitate the orphan’s successful integration into status and society. A petition addressed to the governor of Egypt (c. 320) from a minor orphan and his guardian, a man related to him on his father’s side, complained that the child’s great-aunt, sister of his grandmother, had been trying to steal livestock out of his inheritance.⁵⁰

At the end of the period of guardianship the adults responsible for the orphan’s welfare had to swear that they had acted trustworthily. But an oath was hardly likely to obviate the greed of guardians. Egyptian papyri preserve evidence of (maternal) aunts suing (paternal) uncles who had been appointed guardians over the misuse of the property of their orphaned

⁴⁵ BT Yev 108a and Chapter 4.

⁴⁶ Saller, *Patriarchy*, 181f. There is evidence of widowed mothers, as well as grandmothers and sisters, acting as guardians (*epitropoi*, *phrontistriaí*, *prodikousai*) of orphaned children despite their legal exclusion, Hübner and Ratzan, “Fatherless Antiquity?,” 17. Menahem, “Epitropos,” passim also on these terms.

⁴⁷ P. Merton I 24 (374 CE) with Kotsifou, 356, shows the paternal aunt seeking to appoint her brother, the child’s paternal uncle, upon the death of both parents “from a certain horrible disease.”

⁴⁸ T Ket 11.1. Cf. M. Sigismund, “‘Without Father, Without Mother, Without Genealogy’: Fatherlessness in the Old and the New Testament,” in *Growing up Fatherless in Antiquity*, ed. S. R. Hübner and D. M. Ratzan (Cambridge 2009), 83ff.

⁴⁹ PT Ket 11.2, with Newman, *Maasim*, Case 81. ⁵⁰ P. Sakaon 40, Kotsifou, 354.

nieces, demanding that they make a full inventory of the children's legacy.⁵¹ Often the orphans themselves sued their guardians.⁵² The time frame for such lawsuits was generous, stretching to no fewer than thirty years after the alleged wrong had been committed during the plaintiff's childhood. Such potential infraction of trust must have been the reason for generating a rabbinic list of the items which a guardian could sell or purchase out of his ward's inherited assets. These included a Torah scroll.⁵³

A number of cases illustrate the closeness between matters of maintenance and the inheritance of minors. What happened, for example, if after the death of the father it transpired that the deceased owed more than the value of both the dowry of his widow and the amount required to maintain his child? In one reported case it was decided that repaying the debt could wait until the child reached majority at age eighteen or twenty.⁵⁴ In another case the right of brothers to benefit from the income generated by their orphaned minor sister was questioned since she was supposed to be maintained from their inheritance and not the other way around. A rabbinic court confirmed that anything which she earned belonged to her and not to her brothers because they did not inherit the paternal right to own everything that a minor daughter earned.⁵⁵ To what extent the capacity of minor girls to earn an income shaped their position in the family and reshaped familial strategies is difficult to assess. Cases of relatives arranging marriage for a female relative during her childhood suggest pressure to commit her to an early betrothal, possibly also to cut the cost of maintaining girls at home until they married.

In a society where orphans, poverty and charity coexisted so closely, extravagant charity to orphans at the expense of one's own children bred mixed reactions. One long tale in *Leviticus Rabbah* 37.2 (early fifth century) highlights the dependence of orphans on not only the erratic generosity of adults but also on other children's un/willingness to part with items purchased specifically for them. The protagonist of the tale is a poor man who, urged by his wife to buy food to feed his children, heads to the market. There he is accosted by a "master of charity" who asks for a donation to clothe an orphan. Giving away all the money that he had, the now-penniless father refrains from returning home. Heading to the local synagogue the father encounters children there happily engrossed in

⁵¹ P. Cair. Isid. 77 (320 CE) with Kotsifou, 358. On the use of the term *gnosis* for an inventory in Byzantine papyri, F. Priesigke and E. Kiessling, *Wörterbuch der griechische Papyrusurkunden I* (Berlin 1925), 302. See also case 31, Newman, 80–1 and 161–2.

⁵² Kotsifou, 358. ⁵³ T BB 8.14 for the list; BT Git 52a. ⁵⁴ Case 3, Newman, *Maasim*, 126.

⁵⁵ Case 29, Newman, *Maasim*, 160 with PT Ket 4.1; BT Ket 43a–b. Chapter 4.

contemplating the imminent consumption of Sukkot's tasty citrons (*etro-gim*), costly fruit used during the festival's prescribed rituals.⁵⁶ Snatching the citrons literally from the children's mouth the man then sets sail to foreign shores, arriving in time to proffer his fruity loot as a cure of an incurable ailment which had been pestering the local monarch. A happy end ensues. The vanishing father returns home laden with money, presumably enough to feed his family for a long time.⁵⁷ The man's relatives, notorious misers, drown when they see him alive and well.

One can only imagine the faces of the children who had been hoping throughout the week of Sukkot to eat their citrons or the sentiments of the man's own children who waited in vain for him to come back from the market with food. The ambiguous ending of the story lends uneasiness to the entire tale, further echoed in another demonstration of excessive charity vis-à-vis orphans. In this case, the named protagonist, Rabbi Eleazar of Birta (end first/early second century), was so notorious for giving away everything he had to charity that even charity collectors hid from him when he appeared in public. One day, it is told, he went to the market to purchase dowry items for his daughter. There he donated the money to support a couple of orphans, declaring that orphans had precedence over his own daughter.⁵⁸ A miracle followed. During Eleazar's subsequent absence at the academy, the granary at his home was filled with wheat. His daughter rushed to announce the happy news, regarding the miracle as a sign of God's love for her father. Eleazar's reaction is stunning – he disowned his daughter. Is this a story about intra-family tension over extravagant almsgiving that, paradoxically and tragically, turned a daughter into an orphan?⁵⁹ Did the narrator plan to emphasize generational gaps that pitted daughters and fathers in a contest of interpretation of "miracles"? The two stories about charity vis-à-vis orphans strike a tragic distortion that confuses all the accepted codes of parentage. They advocate a preference for orphans over one's own children and they leave it up to God to provide nurture for the latter. Should we surmise that these stories were designed to lend

⁵⁶ M Suk 4.7: forthwith the children (*yenuka*) drop their lulavs and eat their etrogs.

⁵⁷ M. Satlow, "Fruit and the Fruit of Fruit: Charity and Piety among Jews in Late Antique Palestine," *JQR* 100 (2010), 244–77 for a brief discussion; A. Shinan, "The Tale of the Citrons," *Jerusalem Studies in Jewish Folklore* 13/14 (1990/1991), 61–79 (Heb) for full discussion raising also the question whether the citrons were given by or taken from the children. On the healing properties of citrons, F. Rosner, *Encyclopedia of Medicine in the Bible and the Talmud*, s.v. citron.

⁵⁸ BT Taan 24a.

⁵⁹ E. Diamond, *Holy Men and Hungry Artists. Fasting and Asceticism in Rabbinic Culture* (Oxford 20014), 65–6.

credence to opponents of the Ushan recommendations enjoining fathers to maintain their children?

Spaces of Childhood: Children at Home

A rosy vision of the biblical past, complete with an ideal monarchy, recreated a Jewish-rabbinic commonwealth where children and adults were equal participants in a form of Judaism based on a foundational antagonism of purity versus impurity:

Rabbi Isaac, the Smith (3rd century, Galilee and Antioch) said: The yoke of Sennacherib (the Assyrian commander who besieged Jerusalem) was undermined by the oil of (king) Hezekiah (2 Kgs 19) because it continuously burnt in synagogues and schools (*batei midrashoth*). What did he then do? He stuck a sword into the school's door and said: Whoever does not engage with the Torah will be struck with this sword. They subsequently investigated . . . and they did not find a single girl (*tinoket*) or a boy (*tinok*), man (*ish*) or woman (*isha*) who were not versed in the rules of impurity (*tumea*) and purity (*tohora*). (BT San 94b)

From the beginning of life, childhood was inextricably linked with impurities (un/cleanliness), a central concern in the formation of Jewishness. Children were prone to attract impurities. They could pick up a host of objects that imparted impurity, be near humans imparting impurities like their own mothers and sisters during menstruation, or find themselves in spaces that contained impurities. Even a child playing in an alleyway near home could incur an unclean condition.⁶⁰

Rabbinic rules had to thread carefully between the innate nature of children and the ever-growing restrictions imposed on the body of a Jew. Cleanliness and a child's ability to control its body and mind were intimately linked. Several rules weighed the consequences of contacts between children and impurities, determining whether these entailed washing/immersion or a change of clothing:

Four [states of] doubt [regarding cleanliness/purity] are linked with an infant (*tinok*): If its mother returns home to find him as she had left him, he is clean. Rabbi Judah questioned the circumstances, concluding that this was the case if the infant was left dirty but not if left clean since in the meantime [other] women were likely to hug and kiss him and he could attract their impurity (i.e. if they were then menstruating) . . . Once a child starts to come and go and his cloths remain clean it is unnecessary to prepare

⁶⁰ T Toh 3.6.

clean clothing for him . . . If a child has the mind to be questioned and there is doubt [regarding cleanliness], at home the doubt tends to decide in favor of uncleanness while in public the child is deemed clean. If a child knows how to keep cleanliness then the food which comes in contact with his body is deemed clean. If the child knows how to keep its hands clean it is permissible to eat the food that the child touched because [it is deemed] clean. How do they verify [that a child is indeed familiar with issues of purity and impurity]? They test him, questioning his ability to set aside consecrated (*teruma*) from unconsecrated (*bullin*) food . . . (T Toh 3.5)⁶¹

Clear distinctions were drawn on the basis of a child's body and mind. There are immobile infants who, in spite of their stationary condition, may still attract or impute impurities; mobile children who are likely to pick up impurities wherever they may be, at home or outdoors; children who are capable of informing adults of their own state of cleanliness; and children who are able to keep cleanliness. These rules establish children as members of the congregation, subject to its guiding principles which also distinguished Jews from gentiles. Rabbinic consensus, facilitated by the reality of children's mindlessness, decided in favor of endowing purity where doubt lingered.⁶² Because contact with adults could generate impurities, adults surrounding a child continued to be subjected to a rigid set of rules. They were further expected to provide reasoned answers to questions about their children's state of un/cleanliness if they carried them on their shoulders or held their hands (T Tor 3.4).

These were not idle matters. The ubiquitous presence of children at home could prove problematic since it affected the food on the family's table. During the long process of baking bread:

What if a child [in a state of uncleanness] is found next to a pile of dough [ready to be baked], clutching a clump in its hand? Rabbi Meir deemed the unbaked bread clean. The sages, however, declared it unclean, claiming that children tend to slap the dough [and hence their state of impurity is likely to be imparted to the entire pile]. [Rabbi Yose adds that if the child can stretch its hands and touch the dough it is rendered unclean but if the child cannot reach the dough, it is clean.] (T Toh 3.8)

Similar rules extended from children to domestic animals, the deciding factor being the distance between the dough about to be baked and the liquid source of contamination:

⁶¹ Cf. T Hag 1.2, on the method of ascertaining that a child is familiar with the rules governing *bullin* (unconsecrated food items) and *terumah* (food set aside for priests) so as to know how to separate one from the other. See also Chapter 3.

⁶² Balberg, *Purity, Body and the Self*, 42–3.

[What if] the dough contains the marks of a hen's beak and there was an impure liquid in the house? If there is sufficient distance between the liquid and the loaves, the hens would have wiped their mouths on the ground and the loaves are deemed clean (and hence edible). If a cow or a dog [ate from the dough] the loaves are deemed clean [if the distance between loaves and liquid] was far enough for them to wipe off their tongue . . . Rabbi Eliezer son of Jacob declares the dough clean in the case of a dog [even without the prescribed distance] since dogs are cunning and will not leave food aside only to get a drink. (M Toh 3.8)⁶³

Whether the dough at home was ultimately acceptable or not depended on observing canine behavior. Why would a dog bother to touch impure water (which could then contaminate the dough) if there was food in the vicinity? After all, water was always available but not food. At home, all unclean items were judged according to the place and time of their finding (T Toh 3.3). Since children are beings who lack intelligence, as are animals, it was vital to establish, so far as was possible, the circumstances of contact with humans or animals and objects likely to impart impurity.

Children's usual diet in antiquity varied, often bordering on under-nourishment and malnutrition.⁶⁴ Child-rearing methods could further undermine the health and survival prospects of children.⁶⁵ Division of food within the family would often favor boys over girls and male adults over female adults.⁶⁶ The rabbis extolled the virtues of wheat (*khita*) as a plant from paradise. It was believed that once a child has tasted a bit of grain (*dagan*) s/he would develop the capacity to talk.⁶⁷ Food induced knowledge in the Garden of Eden as grain did on earth, an opinion that probably stemmed from an awareness of grain's nutritional values. Concerns regarding the state of purity of edibles engendered a list of forbidden foods that reflected a diet common to Jews and Gentiles.

These are the items belonging to gentiles which are prohibited as is any benefit derived from them: wine, wine-vinegar of gentiles, Hadrianic earthenware (sic!) . . . meat brought to [serve] an idol is permitted but not meat which had been used in sacrificing . . . According to Rabbi Meir also fish brine and Bithynian cheese belonging to gentiles are prohibited and the prohibition extends to deriving any benefit from them. According to the sages the prohibition does not extend to deriving benefit from them. Rabbi Judah reported that R. Ishmael asked R. Joshua during their walk: Why was cheese made by gentiles prohibited? Rabbi Joshua answered: Because they

⁶³ Cf. Mark 7:28 on children, dogs and food.

⁶⁴ P. Garnsey, *Food and Society in Classical Antiquity* (Cambridge 1999), 52. ⁶⁵ *Ibid.*, 53.

⁶⁶ *Ibid.*, 100. ⁶⁷ BT San 70b.

curdle it with rennet from carrion . . . The following are food items of gentiles which are prohibited but the prohibition does not extend to deriving benefit from them: milk milked by a gentile if no Jew was there to watch; gentile's bread and oil, although the latter is permitted by Rabbi and his court; stewed and pickled [vegetables] into which it is customary to put wine and vinegar; minced fish, brine without kilkit fish floating in it, hileq fish, drops of asafetida, and sal-conditum.⁶⁸

There were, however, food items that could be bought from gentiles without worrying about their cleanliness: grain, pulse, dried figs, garlic and onions. While bread baked by gentiles and cheese curdled without a Jew to watch over it were prohibited, the same items baked by Jews, even when a gentile kneaded the dough or helped to curdle the cheese, were permitted.⁶⁹ In addition to bread, cheese, oil, vinegar and brine, the Talmud expands the Mishnaic list of forbidden food to muries (items which are brewed or pickled or salted), pounded wheat, groats and grits.⁷⁰ There were exceptions: gentile bread was allowed where Jewish bread was unavailable, mostly in the countryside rather than in towns; and cheese was allowed if the curdling process was monitored by a Jew. Wine prepared by gentiles was banned on the ground that drinking parties could lead to intermarriage, alliances which the Bible proscribes in emphatic terms.⁷¹ Olive oil formed a notable exception.⁷² Children had to learn early what food could reach their mouth and what was prohibited. Instruction was in the hands of their parents. Punishments for unwitting transgressions, if committed outside the domicile, were exceptionally severe.

At home, sleeping arrangements had to be carefully considered. Children often slept in the parental bed, wrapped in the same garment. What if a father turned to fulfill a religious obligation, such as reciting the Shema prayer twice daily?⁷³ The question of the bodily proximity of one's children in moments requiring isolation became paramount:

A man [sharing a bed with] his small son and his small daughter may [recite the Shema]. (T Ber 2.15)

⁶⁸ M AZ 2.3–6 with G. Stemberger, "Forbidden Gentile Food in Early Rabbinic Writings," in *Jewish Identity and Politics between the Maccabees and Bar Kokhba. Groups, Normativity and Rituals*, ed. B. Eckhardt (Leiden 2011), 211–12. The benefit (i.e. profit) from these restrictions is illustrated in Josephus, *BJ* 2.591–2 referring to the private enrichment of John of Gischala.

⁶⁹ T AZ 4.11, Stemberger, 212. ⁷⁰ PT Shab 1.4 with Stemberger, 210–11.

⁷¹ Stemberger, 220–3.

⁷² J. Rosenblum, "Kosher Olive Oil in Antiquity Reconsidered," *JSJ* 40 (2009), 356–65; Stemberger, 218.

⁷³ On this prayer, Chapter 3.

The age of the small or “minor” children whose presence the rabbis did not count an impediment to praying was elucidated two centuries later in the Palestinian Talmud (Kid 4.11): a daughter could remain with her father until she turned three years and one day old; a boy remained with his mother until he turned nine years and one day old.⁷⁴ Beyond these ages each child had to sleep in her/his own garment. During the recitation of the Shema adult males were expected to remove themselves from the smelly and impure vicinity of children’s excrement (T Ber 2.17). Here one may discern an effort to create a corner in the domicile where a prayer could be recited in a temporarily rarified space. In the absence of an external mechanism to enforce these rules, responsibility for implementation rested with parental consciousness and willingness to abide by rabbinic precepts. Rules relating to inner spaces of houses also relied on the universal expectation of unquestioned obedience on the part of children.

Obedience and its corollary, rebellion, were at the center of rabbinic discourse on intragenerational domestic relations. The Hebrew Bible provides a procedure to publicly denounce a “rebellious son” (Deut 21:18–21). The age of rebellion is not specified but the accusation hinged on conspicuous consumption. The penalty of execution by public stoning which the Bible prescribed was hardly applicable in Roman Palestine or elsewhere around the Mediterranean under Roman imperial rule.⁷⁵ According to the Mishnah, crimes against parents included gluttony and theft (M San 8.2–3), both vices inescapably leading to a career in crime:

The Holy One foresaw that a rebellious son will use up the property of his father and the property of his mother. Following domestic crimes a rebellious son will sit at the crossroads where he will harangue and discriminate people, even kill. In the end he will forget what he had learned [from the Torah]. This is why it is written in the Torah that he should die as an innocent man rather than live as a guilty one. (PT San 8.7)

Much was done to prevent the enormity of the proposed death penalty, which would have torn up the family. The Mishnah conjured situations that did not justify the label of rebellion by limiting the age of the rebellious child to post-puberty and by dismissing any such accusation if the son was a minor (*katan*) or disabled (M San 8.1; 8.4). Allowance was also made for a theft of food from parents, providing that it was consumed at home (M San 8.3). Parents had to be unanimous in their decision to

⁷⁴ Cf. BT Ber 24a where a Babylonian sage matches age with category, Chapter 1.

⁷⁵ Chapter 1 on rebellious sons and capital punishments.

launch the process against their son. Later (amoraic) interpreters speculated about the origin of domestic rebellion, concluding that differences of parenting styles generated rebellion against parental authority.⁷⁶ Ultimately, the biblical procedure was dismissed as a myth. After all, what father hates his son so that he would demand his execution (BT San 105a)?

Discussions of rebellious sons echo old warnings about bad sons. In the second century BCE, Ben Sira asserted that it was better to die alone than to bring up bad sons, as did Rabbi Yochanan of Tiberias and Rabbi Shimon bar Yochai after him:

Bad upbringing (*tarbut ra'a*) in one's own home is worse than the war of Gog and Magog.⁷⁷

These observations contrasted with the conviction that small children generated endless parental joy:

Is Ephraim [not] my dear son, the child I delight in? (Jer 31:19)
When does a child become a delight?
At age three or four, when he begins to chatter
He becomes a source of delight to his parents.⁷⁸

Several rabbinic rules aspired to hedge the unlimited power of fathers over their children by penalizing intentionally inflicted damage on children:

A man who injures his adult son and daughter (*gedolim*) is liable under all counts (i.e. for bodily injuries, pain, healing costs, loss of employment/time and shame) . . . [If he injures] his own minor children (*ketanim*) he is not liable on any count. If he injures his minor daughter [more than necessary] the damages [for the bodily injuries] are hers and he is exempt from the rest [of the counts]. If others injure her the damages [for bodily injuries] are hers and with the rest he sets up a trust for her. If she dies her father inherits her assets. A father who injures [excessively] his minor son is liable on all counts . . . A father who hits his son and a teacher who smites his pupil, if they injure them they are exonerated but if they exceeded the appropriate measure they are liable.⁷⁹

⁷⁶ BT San 71a; T San 11.6. See the detailed discussion of the number of stones to be hurled by the public at the rebellious son, as per the biblical procedure, B. A. Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (Oxford 2006), 113–15. On parents and children, G. J. Blidstein, *Honor Thy Father and Mother. Filial Responsibility in Jewish Law and Ethics*, Augmented Edition (Jersey City 2005).

⁷⁷ Ben Sira 16.3; BT Ber 7b.

⁷⁸ *Tanhuma Yelammedenu* 8.1 on Exod 27:20, trans. S. A. Berman, *Midrash Tanhuma Yelammedenu* (Hoboken 1996), 538.

⁷⁹ T BQ 9.3; see also Chapter 4.

These rules reflect an original approach to thinking about households and about paternal power.⁸⁰ They equate fathers with teachers, both categories expected to inculcate boundaries of behavior in children. Modifying paternal authority, this discourse of the appropriate scale of corporal punishment at home and in school recognizes the helplessness of the injured parties when confronted with physical and aggressive expressions of authority.

To illustrate the meaning of self-imposed paternal moderation vis-à-vis own children, a narrative with a tragic end drove home the enormity of exerting the power of life and death over children:

Guests are not allowed to give the food which had been served to them to the son and daughter of their host unless they received his permission. There once was a man who invited home three guests in a year of famine. He could only present them with three eggs. His son entered. One of the guests took his egg and gave it to the child. The second and the third guests did the same. The child's (*tinok*) father came and found his son with one egg in his mouth and two in his hand. He knocked him down to the ground and the child died. His mother saw what happened, climbed the roof, threw herself down and died. The father too climbed on the roof, threw himself down and died. Rabbi Eliezer son of Jacob (late first century) said: For this reason three souls in Israel perished. (BT Hull 94a)

Although the child was not directly responsible for the alleged transgression of good mores, there is no condemnation of the harsh parental action nor of the guests' deluded generosity. Should one surmise that children at home had to abide by rules obligating only adults? Whose breach was it? According to the preamble, the guests should have known better. Why, then, was the child punished? Rabbi Eliezer's curt comment serves as an epitaph for a family in which excessive paternal severity ushers a tragedy but no other outlet for parental wrath is offered. Yet if a mother was found to beat her sons, the action, whether justified or not, could have provided the father with an excuse to bar her from benefitting from his assets and even to divorce her!⁸¹

⁸⁰ R. Saller, "Corporal Punishment, Authority and Obedience in the Roman Household," in *Marriage, Divorce and Children in Ancient Rome*, ed. B. Rawson (Oxford 1991), 144–66; and idem, *Patriarchy* (1994), 143–53; C. Laes, "Child Beating in Roman Antiquity. Some Reconsiderations," in *Hoping for Continuity. Childhood, Education and Death in Antiquity and the Middle Ages*, ed. K. Mustakallio et al. (Rome 2005), 75–89 on paternal sense of duty and the use of the whip in moderation depending not on law but on an aristocratic ideal of self-control. Nor did Christianity make a difference on this score.

⁸¹ T Git 3.5; M Ned 3.2.

Parental strictness could have been tempered by excessive indulgence. A parable on the skewed relations between God and Israel, casting the former as too indulgent a parent and the latter as an ungrateful child, suggests a lingering ambiguity about spoiling one's children:

[This is just] like a child (son) acting petulantly in front of a father willing to grant his wishes. When the child says: "Aba, take me to the hot baths but wash me in cold water," or, "Give me nuts, almonds, peaches and pomegranates," his father complies. On such a pattern Scripture says (Prov 23:25): *Let your father and mother delight in you.* (BT Taan 23a)

Were both the child and the people of Israel wrong to test the limits of paternal spoiling? Did God's indulgence encourage ever growing demands of the offspring? Where were the limits of parental tolerance of a child's misbehavior and what, exactly, constituted misbehavior?

Feasts and Fasts

One day every week the Jews and their children desist from all work, from all building, and from all travel, and from buying and selling. Nor do they kill an animal on the Sabbath, or kindle a fire, or render judgment. Among them no one is compelled by fate on the Sabbath to go to the law and be found innocent or to be judged and be found guilty. Nor do they tear down or build, or do a single one of those things which the people who have not received this law do. They have other precepts also, through which they lead a life different from that of other people, although on this day too they beget and are begotten, fall ill and die, for over these things humans have no power.⁸²

Every week, the Sabbath would have been observed at home throughout the Jewish Mediterranean. Non-Jews marveled at the apparent indolence of all ages on the Sabbath. In preparing for this weekly feast, children were introduced early on to biblical and rabbinic precepts. A few, like the rabbinic *eruv* (mixing), could potentially involve the young in the mechanism of extending permitted Sabbath boundaries.⁸³ During the Sabbath, the mixing of courtyards (*eruv hatzerot*) transformed a neighborhood into an

⁸² Bardaisan, LC 56–57, cited in S. J. D. Cohen, "Jewish Observance of the Sabbath" in Bardaisan's *Book of the Laws of Countries* (on www.dash.harvard.edu) (slightly modified). On Diaspora Sabbath practices cf. M. Williams, "Being a Jew at Rome: Sabbath Fasting as an Expression of Roman-Jewish Identity," in eadem, *Jews in a Graeco-Roman Environment* (Tübingen 2013), 49–62; R. Goldenberg, "The Jewish Sabbath in the Roman World up to the Time of Constantine the Great," in *Aufstieg und Niedergang der Römischen Welt*, 2.19.1, ed. W. Haase (Berlin and New York 1979), 414–47.

⁸³ T Eruv 2.11, on mothers entrusting *eruv* to children, an act which sparked a minor rabbinic controversy, Chapter 10.

intentionally ritual community.⁸⁴ These courtyards were situated in the common area in front of each home and formed an integral extension of the dwelling itself, a space for the family's livestock, oven and mill stones.⁸⁵ Linked through the distribution of shared food items, permitted Sabbath activities within these boundaries explicitly identified Jewish children. If a child's family neglected to engage in this symbolic pre-Sabbath ritual of mixed courtyards, its members, including children, were not allowed to carry items beyond their home during the Sabbath.⁸⁶

On the Sabbath, infants who were able to lift one leg while putting down the other were allowed to leave the house, if pulled by their mothers. Otherwise, they had to stay home.⁸⁷ A rabbinic debate on the movements of children on the Sabbath linked mobility with age and with parental responsibility for *eruv*:

Rabbi Assi (Palestinian amora, early fourth century) said: A child (*katan*) of six may go out by his mother's *eruv*. To which the following objection was raised: A child dependent on its mother goes out under her *eruv* but not one who no longer needs her. We also learned about a similar ruling in respect of a sukkah: A child who is not dependent upon its mother is obligated [to sit the full week in the sukkah.] . . .

Our rabbis taught: A man prepares *eruv* for his minor son and daughter (*ketanim*), his gentile slave and maidservant, with or without their consent (*da'at*), but he does not prepare an *eruv* for his Hebrew slave and maidservant nor for his older son and daughter (*gedolim*) or for his wife, unless they consent . . . because [in the case of minors and gentile slaves] their hand is as his hand. (BT Eruv 82a-b)⁸⁸

Delving into the question of the extended validity of parental Sabbath-*eruv* over the household, age and attachment to a parent formed a bone of contention. According to Rabbi Assi, age six was the determinant, but if the criterion applied was the child's dependence on its mother, then the entire span of childhood could have passed under maternal *eruv*. That likely led to the decision to attach minors to paternal rather than maternal *eruv*.

⁸⁴ Cf. E. Fonrobert, "The Political Symbolism of the Eruv," *Jewish Social Studies* 11 (2005), 11.

⁸⁵ M BB 5.3. Y. Hirschfeld, *The Palestinian Dwelling in the Roman-Byzantine Period* (Jerusalem 1995), 21–107; C. M. Baker, *Rebuilding the House of Israel. Architectures of Gender in Jewish Antiquity* (Stanford 2002), 113–44.

⁸⁶ M Eruv 6.3 with Fonrobert, *ibid.*, 17, assuming families who did abide by rabbinic rules.

⁸⁷ M Shab 18.2; L. Doering, Schabbat, *Sabbathalacha und -praxis im antiken Judentum und Urchristentum* (Tübingen 1999), 189–90.

⁸⁸ On *da'at*, Chapters 1 and 5. Cf. M Eruv 7.6 on participation in an alleyway's *eruv*.

A host of rules shaped Sabbath observation, including a categorical prohibition of labor, extended in rabbinic literature to thirty-nine types of work. Not a few would have been relevant to working children and to child-slaves laboring in Jewish homes. Writing was prohibited. An adult who prompted a child holding a pen to write on the Sabbath incurred a transgression unless the child had grabbed the adult's hand intentionally in order to write (T Shab 12.10). Even children whose families did not abide by each of the countless rabbinic rules that governed conduct on the Sabbath would have been aware of the difference between their community and the non-Jewish environment that did not keep the Sabbath. This weekly occasion served as a guardian of the paternal hearth and of identity, providing the ultimate definition of being Jewish in the Roman world. No other feast defined the Jewishness of children from the beginning of life as did the Sabbath.

Sabbath was a feast, and food at home should have been plentiful. But there were Jews who preferred to fast on the Sabbath, certainly in Rome and possibly in other Diaspora and even Palestinian communities.⁸⁹ Feasts and fasts existed side by side, each reflecting local customs.⁹⁰ The Mishnaic tractate Ta'anit (fasting) lists fasts instituted primarily on account of droughts but also on behalf of travelers, pregnant and nursing women, babies and sick children.⁹¹ Feasts could also turn into fasts and fasts into feasts. Following the trauma of the fall of Jerusalem and the destruction of the Temple in 70 CE the Ninth of Av, once a gay occasion of potential mating, became a commemorative fast of destruction and dispossession.⁹²

Rabban Shimon son of Gamaliel said: There were no happier days for Israel than the fifteenth of Av and the Day of Av and the Day of Atonement when the daughters of Jerusalem sauntered wearing borrowed white garments so as not to shame those who did not possess a white garment. For this reason

⁸⁹ Y. D. Gilat, "Fasting on the Sabbath," *Tarbiz* 52 (1982), 1–15 (Heb); M. Williams, "Being a Jew in Rome: Sabbath Fasting as an Expression of Romano-Jewish Identity," in *Negotiating Diaspora* (2004), 8–18, repr. in eadem, *Jews in a Graeco-Roman Environment* (2013), 49–61.

⁹⁰ For lists of fasts of Jewish communities around the Mediterranean, S. Elizur, *Wherefore Have We Fasted? "Megilat Ta'anit Batra" and Similar Lists of Fasts* (Jerusalem 2007) (Heb). On calendrical complexities, S. Stern, *Calendar and Community: A History of the Jewish Calendar, 2nd Century B.C. E.–10th Century C.E.* (Oxford 2001).

⁹¹ PT Ta'an 4.3, LamR 1, with A. Tropper, "Jewish Family," 316, and below. See also BT Taan 26a–31a. On the late ancient list from the synagogue at Rehov near Beth Shean (Scythopolis) which contains two fasting dates unfamiliar from any other list of fasts, H. Misgav, "The List of Fast Days from the Synagogue of Rehov," *Israel Museum Studies in Archaeology* 7 (2014), 14–23. See also Chapter 6.

⁹² The origins and early history of the Ninth of Av have never been settled nor whether it was observed, together with the other three fasting days which commemorate catastrophes, prior to the late first/early second century CE. Among many, Y. Shahar, "Rabbi Akiva and the Destruction of the Temple: The Establishment of the Fast Days," *Zion* 68 (2003), 145–65 (Heb); S. Lowy, "The Motivation of Fasting in Talmudic Literature," *JJS* 9 (1958), 19–38.

all the clothes required immersion. The girls would then dance in the vineyards, saying: Young man (*bachur*), lift up your eyes and look. Whom will you choose? Do not set your eyes on beauty but on [her] lineage. (M Taan 4.8)

With its metamorphosis into a day of national mourning, the ninth of Av had to be conducted according to the rules which moderated private mourning and public fasting.⁹³ Among these rules was a ban on washing laundry and on learning Torah (*talmud Torah*).⁹⁴ School children, however, were accorded different norms of behavior on such days:

Our Rabbis taught: All the restrictions that are observed in mourning apply to the Ninth of Av, namely [no] eating, drinking, bathing, anointing, the wearing of shoes, and intercourse. It is also forbidden to read the Law (*Torah*), the Prophets, and the Hagiographa or to study Mishnah, Talmud, Midrash, Halakhot or Aggadot. One may, however, read such parts of Scripture which he does not usually read and study such parts of Mishnah which he usually does not study. He may also read Lamentations, Job, and the sorrowful sections of Jeremiah. School children (*tinokot shel beit raban*) [however, are not free from school, according to Rabbi Meir].⁹⁵ Rabbi Judah says: One may not read such parts [of Scripture] which he does not usually read, nor study parts of the Mishnah which he does not usually study, but he may read Job, Lamentations, and the sorrowful sections of Jeremiah. School children are free [from school] for it is said (Ps 19:8): *The precepts of the Lord are right, rejoicing the heart.* (BT Taan 30a)

To account for the allowance extended to children, the rabbis cited two precedents to show that study is a source of consolation in time of grief especially over the untimely death of children:

When a son of Rabbi Yossi of Sepphoris died, [Rabbi Yossi] went into the study house (*beth midrash*) and expounded there all day long. When Rabbi lost his daughter at Beth Shearim he went into the study house and expounded there all day long. (BT MK 21a)

Habituating children to fasting, primarily during the Day of Atonement (Yom Kippur), required careful consideration, taking into account the appropriate age to embark on full-day fasting.⁹⁶ Children were encouraged

⁹³ D. Herman, "The Different Approaches of the Rabbis in Yavneh, Lod, and Galilee regarding the Ninth of Av as reflected in the Laws of the Day," *HUCA* 73 (2002), 1–29, esp. 16–17 (Heb). See also Sivan, *Palestine*.

⁹⁴ BT MK 15a. ⁹⁵ This addition appears in the text quoted in Herman, 26.

⁹⁶ J. Hauptman, *Rereading the Mishnah: A New Approach to Ancient Jewish Texts* (Tübingen 2005), 231–42 on children and fasting. M RH 4.8 exhorting the teaching/training children to blow so that they can be involved in Rosh HaShana rituals; T RH 2.3 on obligating children to sound the shofar and 2.5 on obligating fathers to teach their sons whether they are capable or not.

to practice fasting a year or two prior to puberty, not as an obligation but in order to familiarize them with the ritual.⁹⁷ The rabbis questioned who were to feed the children who did not need to fast. Two anecdotes illustrate the extent of the dilemma. Rabbi Akiva (early second century) was known to send his pupils home early on the eve of Yom Kippur so that they could feed their children. Shammai the Elder (mid-first century), by contrast, refused to feed his infant son on Yom Kippur day until he was ordered to do so.⁹⁸ Restrictions ordinarily extended to adults, such as a ban on bathing, anointing the body, wearing sandals and having sex, exempted children with one exception. Like adults, children too were not allowed to wear sandals “for appearances’ sake.” Bare feet designated low classes and slaves. On Yom Kippur, a universal shedding of sandals ensured that everyone, regardless of age, status or wealth, would be equally judged by God on own merits or sins.⁹⁹

Fasting and feasting, food and abstinence, have never been far apart.¹⁰⁰ In the pithy utterance of the Babylonian sage, Rava, life, children and food (*mazon*) depended not on merit but on luck (*mazzal*, or destiny) (BT MK 28a), implying that one could not exist without the two others. The ritual and spiritual qualities of food as a symbol of bonding yet also of separation were especially evident during the biblically mandated festivals.¹⁰¹ On these occasions, the rabbis exhorted husbands/fathers to gladden the hearts of their wife and children with wine. The alcohol was, however, quickly replaced with shoes and doves for wives, and with nuts, almonds and parched corn for children.¹⁰² Passover was especially meaningful as an

⁹⁷ M Yoma 8.4; T Yoma 4.1–2; BT Yoma 77b; Hauptman, *ibid.*, 232–3.

⁹⁸ T Yoma 4.2, Hauptman, 234.

⁹⁹ T Yoma 4.1, Hauptman, 233, suggesting that children were not to wear sandals because “it will not look right when adults afflict themselves by not wearing shoes and children wear them,” 233. PT MK 3.5, BT MK 15b, Semahot 6.1, on wearing sandals as a “pleasure” (*onegtaanug*), hence forbidden during mourning and the ninth of Av, with Herman, “Different Approaches,” 22 and Rubin, *End of Life*, 177 (Heb). Only on occasion was one allowed to wear sandals while walking, but these had to be taken off when reaching town (PT MK 3.5). On shoes as status symbol, E. M. Greene, “If the Shoe Fits: Style and Status in the Assemblage of Children’s Shoes from Vindolanda,” in *Life in the Limes: Studies of the People and Objects of the Roman Frontiers*, ed. R. Collins and F. McIntosh (Oxford 2014), 29–36.

¹⁰⁰ Among recent discussions of the social role of eating, *Meals in a Social Context. Aspects of the Communal Meal in the Hellenistic and Roman World*, ed. I. Nielsen and H. S. Nielsen (Aarhus 1998). The *Oxford Symposia on Food and Cookery* have provided many a useful volume (below under Weingarten). On the religious significance of eating in Judaism, J. Hecker, *Mystical Bodies. Mystical Meals. Eating and Embodiment in Medieval Kabbalah* (Detroit 2005), 19–52.

¹⁰¹ D. Kraemer, *Jewish Eating and Identity through the Ages* (New York 2007).

¹⁰² T Pes 10.4; PT Pes 10.1, with S. Weingarten, “Children’s Foods in the Talmudic Literature,” in *Feast, Fast or Famine. Food and Drink in Byzantium*, ed. W. Mayer and S. Trzcionka (Brisbane 2005), 156, note 26 on textual difficulties, and S. Friedman, *Tosefta Atriqta* (Ramat Gan 2002), 442

occasion celebrating both a mythic past and contemporary settings. A domestic feast par excellence, Passover rituals were replete with food carefully calculated to promote a sense of collective identity.¹⁰³

Because of the lengthy rituals of the Passover, Seder treats were generously dispensed to children in order to keep them awake.¹⁰⁴ The Seder meal itself was a special meal, different from all other food served on ordinary nights. Indeed, items consumed daily, such as bread, were specifically excluded, to be supplanted by mandated bitter herbs and unleavened bread. Even the usual dessert was replaced by an *afikoman* (a special piece of unleavened bread), accompanied by a game of “hide and seek.”¹⁰⁵

Passover’s Seder could also try parental patience:

Rabbi Hiyya (late second/early third century) teaches: The Torah alludes to four [types] of children (sons, *banim*), namely a wise child, a wicked, a foolish, and a child who does not know how to ask . . . [During the Passover Seder] the wicked son asks: *What do you mean by this observance* (Ex 12:26)? What is this bother that you impose on us every single year? Because [by asking these questions] the child excludes himself from the rest,¹⁰⁶ tell him: *It is because of what the Lord God did for me* (Ex 13:8). He did it for me and not for one [like you]. Had you been in Egypt in those days you would not have been deemed worthy of being liberated! (PT Pes 10.4)

Applying verbal remonstrance rather than a paternal arm was the recommended course of action during the Seder if a child posed annoying questions based, however, directly on Scripture. Rabbi Hiyya, father of twin daughters and twin sons, believed such a child could be silenced by the dread of not having been liberated from Egypt had s/he been there in the past and by the threat of imminent removal from the Seder table.

Feasts, such as the dedication of a lock of hair, weddings, birthdays and funerary banquets, were occasions for potential interaction between Jews and gentiles.¹⁰⁷ On those days, mixing, to use the Mishnah’s ambiguous phrase, “was not forbidden except on that day and with

on the four versions of the text. See also S. Weingarten, “Nuts for Children: The Evidence of the Talmudic Literature,” in *The Oxford Symposium on Food and Cookery 2003. Nurture* (Oxford 2004), 264–72. On the use of nuts as hospitality, Weingarten, “Children’s Food,” 155 and Chapter 9.

¹⁰³ Although children, slaves and women were excluded from Passover associations (*havurot*, or fellowships); Wegner, *Chattel or Person*, 239 n. 217 on the ambiguity of the female exclusion of M Pes 8.6; J. Rosenblum, *Food and Identity in Early Rabbinic Judaism* (Cambridge 2010), 129–30 for categorical exclusion of these categories.

¹⁰⁴ BT Pes 109a; M Kel 3.2 on the use of these treats (nutshells, acorns and dry pomegranate skins) as cups for playing in the sand; T Shab 13.16 on using nuts to make rattles for babies.

¹⁰⁵ Weingarten, “Children’s Food,” 155.

¹⁰⁶ Mekhilta Pisha 18 adds here: “you too should exclude him from the rest.”

¹⁰⁷ Laes, *Children*, 267.

that person" (M AZ 1.3).¹⁰⁸ When members of the Jewish community in Gadara consulted Palestinian rabbis about rules relating to commensality they received mixed signals. According to one rabbi, meal mingling was permitted for the sake of neighborly peace. According to others, such mixing amounted to idolatry.¹⁰⁹ The matter was never quite settled, although in a Diasporic context the rabbis emphatically seemed to prefer separation:

Rabbi Shimon son of Eleazar says: Jews living in the Diaspora are idolaters. How come? A gentile making a banquet for his son sends and invites all the Jews in his town. Even though they bring and eat their own food and drink their own wine and take along their own servant who stands over them and pours for them, Scripture regards them as though they had eaten from sacrifices of corpses. (Ex 34:15)¹¹⁰

The Babylonian Talmud states that all contacts between Jews and gentiles are forbidden before, during and after wedding celebrations lest one eats from the food prepared for the wedding or its leftovers. Here too was a certain ambiguity. If the invitation explicitly stated that the banquet was a wedding, participation was forbidden; if no such statement was made, mingling was condoned.¹¹¹

The focus on banquets as occasions specifically designated as forbidden arenas of Jewish-gentile contact possibly stemmed from the possibility of consuming non-kosher food and because birthdays, weddings and funerary banquets included religious ceremonies, some with children's participation.¹¹² A Roman wedding opened with consultation of omens, a sacrifice at the house of the bride in order to court divine favor, offers of cakes and prayers to the gods in the presence of priests. The new couple engaged in a common sacrifice of a pig or a sheep, and the marriage contract was presented by a priest.¹¹³ Children were active participants. Boys marched in bridal processions, uttering obscenities, each carrying a box with ritual objects, including a torch in front of the bride. Girls sang in the bridal

¹⁰⁸ C. Hayes, *Between the Babylonian and the Palestinian Talmuds. Accounting for Difference in Select Sugyot in Tractate Avodah Zarah* (Oxford 1997), 48–50, 155, for discussion.

¹⁰⁹ PT AZ 1.3, with Hayes, 156–7.

¹¹⁰ T AZ 4.6; Hayes, 160–1 on the parallel version of ARN 26.4, which renders Diaspora Jews literally as "idolaters in purity," namely idol worshippers who remain undefiled.

¹¹¹ BT AZ 8a-b, with Stemberger, 219; C. Hayes, 161–3.

¹¹² D. E. Smith, *From Symposium to Eucharist: The Banquet in the Early Christian World* (Minneapolis 2003), 39–41.

¹¹³ S. Treggiari, *Roman Marriage* (Oxford 1991), 165–70; K. K. Hersch, *The Roman Wedding. Ritual and Meaning in Antiquity* (Cambridge 2010), 190–212.

choir.¹¹⁴ During the ceremony, the bridegroom scattered nuts for children for good luck as a token of leaving his own childhood behind.¹¹⁵

The mixture of solemnity (prayers) and sexuality (obscene songs), the fusion of food and piety, and the mingling of all ages appeared especially threatening to the rabbinic sense of Jewish wholesomeness. Objections were based primarily on a single biblical verse, Ex. 34:15, which emphatically pointed to the ruinous results of mixing with gentiles, of eating from the food sacrificed to idols and of, inevitably, contracting mixed marriages. In reality, the application of such rules may have varied according to the strictness of rabbinic bans and the allowances made for controlled interaction.¹¹⁶

Rabbinic literature envisaged children not only as attending feasts and sharing fasts but also as agents of familial discontent with prospective marriages:

Rabbi Yossi son of Rabbi Bun says: When someone marries a wife deemed a bad fit for him (namely unworthy of his status) his relatives fill jugs with parched corn and nuts which they break in front of children who then gather them while shouting: So and so is cut off his family. When he divorces her the ceremony is repeated with the children crying: So and so has returned to his familial fold. (PT Ket 2.10)

Whatever reality lurked behind the employment of children as ad hoc public criers, the process as recorded seems a parody on wedding customs. The reference to parched corn and nuts conjures edibles especially associated with children, implying a similar lack of judgment on the part of the unfortunate bridegroom. Because children also embodied the universally anticipated outcome of every reunion, they were apparently deemed useful in broadcasting familial sentiments of disapproval, relief and reconciliation.

Parents also had to coach their children how to behave when visiting (Jewish) homes on special occasions, whether joyful or mournful:

Anyone bringing with him his minor son and daughter (*beno u-bito ha-ketanim*) to a home of mourning (*beit evel*), or a house where a banquet is

¹¹⁴ I. C. Mantle, "The Role of Children in Roman Religion," *Greece and Rome* 49 (2002), 99–100 [85–106].

¹¹⁵ Catullus 61.128–34; Hersch, 156–8; Jewish weddings in Roman Palestine before the suppression of the Bar Kokhba revolt in CE 135 were festive affairs with dancing (PT Peah 1.1; PT AZ 3.1), tambourine music and bridal processions throughout town (M Sot 9.14). N. Rubin, *Joy of Life: Rites of Bethrothal [sic.] and Marriage in the Talmud and Midrash* (Tel Aviv 2004) (Heb).

¹¹⁶ J. D. Rosenblum, "From their Bread to their Bed: Commensality, Inter-marriage and Idolatry in Tannaitic Literature," *JJS* 61 (2010), 18–29 but see the full discussion of Hayes in this chapter.

held (*beit mishteh*), or a house of rejoicing (*beit simbah*), in places where it is customary to do so, he should not give [a portion] from his present [of food provided by the host] to his son or daughter [of his host?] because of [potential] bad feeling. (T Yom Tov 4.10)¹¹⁷

Children's participation in these lifecycle occasions prepared them for their social role in later years. Spaces of feasting and commensality enforced norms of appropriate behavior of both children and watchful adults.¹¹⁸ Around the Mediterranean, regardless of faith, food and drink fulfilled functions far beyond basic consumption for survival.¹¹⁹ Roman upper classes habituated their young to sit together during meals with children their age in full sight of their adult relatives.¹²⁰ In Athens the coming of age for children, specifically the transition from milk-dependent childhood to the world of social (wine) drinking for males, was marked by presenting the child with a miniature jug with his (perhaps also her) image imprinted on it.¹²¹

The presence of children in cemeteries and catacombs raised problems because corpses imparted impurities which could then be transmitted to domestic environments through a child's agency.¹²² What if a child picked up flowers used to decorate a bier?

An infant (*tinok*) found next to a cemetery with roses (*shoshanim*, lilies?) in its hands, and it is clear that the flowers could only come from an impure location (i.e. they came in touch with a corpse), is deemed clean (*tahor*) since (it is likely that) the flowers were given to the child by another [who had picked them but did not transfer his impurity to the recipient]. The same rule applies to a donkey who wandered among the graves – its harness is deemed clean. (M Toh 3.7)

Small children lacked self-awareness. Hence items that might have come into contact with a polluting source like a corpse did not impart

¹¹⁷ J. D. Rosenblum, *Food and Identity in Early Rabbinic Judaism* (Cambridge 2010), 125 on this passage as referring to "only some places" but there is no indication whether such customs were widespread or not, nor where. Lieberman's explanation (*Tosefta KiPshuta* 2.303) points to localities where such actions would have been misconstrued.

¹¹⁸ Quintilian, *Inst.* 1.2.7–8, with M. B. Roller, *Dining Postures in Ancient Rome* (Princeton 2006), 160, cited in Wikipedia, s.v. "food and dining in the Roman empire."

¹¹⁹ *Meals in the Early Christian World: Social Formation, Experimentation, and Conflict at the Table*, ed. D. E. Smith and H. E. Taussig (New York 2012), passim.

¹²⁰ Tac. *Ann.* 13.16.

¹²¹ N. A. Evans "Evidence for Slaves at the Table in the Ancient Mediterranean: From Traditional Rural Festivals to Urban Associations," in *Meals in the Early Christian World*, ed. D. E. Smith and H. E. Taussig (New York, 2012), 156.

¹²² C. Osiek, "What Kinds of Meals did Julia Felix Have?" in *Meals in the Early Christian World*, 52. On benches possibly allocated to children in the Jewish catacombs on Malta, M. Buhagiar, "The Jewish Catacombs of Roman Melite," *The Antiquaries Journal* 91 (2011), 73–100; E. Becker, *Malta Sotterranea. Studies of Its Early Christian and Jewish Sepulchral Art* (2009).

impurity via the child itself nor did the child require immersion and purification.¹²³

Spaces of Childhood: Children Outdoors

Outdoors, children were practically everywhere, walking through streets and alleyways, playing in fields and courtyards, marching with parents to and around markets or buying and selling there. Fathers would be seen strolling with their sons on their shoulders in public. Like children, markets, too, constituted an integral component of Mediterranean landscapes. They were noisy and smelly, with scribes calling out loudly the names of couples who were divorcing and excited customers bargaining.¹²⁴ Sellers and buyers were everywhere. Shopkeepers regularly distributed treats to children, presumably to entice both parents and children to buy.¹²⁵ The din of tools and loud chirping of children must have been deafening. It is no coincidence that the rabbis endorsed the setting up of schools, bakeries and tanneries only in markets where no one could complain about overpowering smells and noise:

Whoever makes utensils should sell them in the market where no one may protest saying: I cannot sleep because of the noise of the hammer, or the noise of the grinding stones, or the din raised by children's voice.¹²⁶

At the market, a poor man seeking to purchase food for his children or a dowry for his daughter would have been invariably accosted by charity collectors, as were children, women and slaves.¹²⁷ Rabbinic warnings issued to alms gatherers about collecting only a little from children may have had little effect.

A not uncommon sight in markets would have been abandoned infants, defined in rabbinic literature as *asufim*, namely “those collected” from the market.¹²⁸ How many infants were lying in the market in full sight of other children will never be known. Nor do we have a text that registered children's reactions to this market-sight. We do know that because

¹²³ Cf. ARN A 16 on the infant's inborn evil inclination, which triumphs throughout childhood until the boy turns thirteen, Chapter 1.

¹²⁴ M Git 3.1; PT Git 3.1, Hezser, *Literacy*, 78–9.

¹²⁵ M BM 4.12, R. A. Ohrenstein, B. L. J. Gordon, *Economic Analysis in Talmudic Literature: Rabbinic Thought in the Light of Modern Economics*, 3rd edn. (Leiden 2009), 101 on rabbinic disagreement over this form of commercial promotion.

¹²⁶ M BB 2.3; Cf. Luke 7:31–5.

¹²⁷ BT Taan 24a, and this chapter; T BQ 11.3 on limiting alms collection from children, and this chapter.

¹²⁸ For full discussion of exposure, Chapter 5.

children did not qualify as witnesses their testimony regarding the possible origin of exposed children would have been rejected in favor of more reliable witnesses, including the abandoned child's own parents:

Rabbi Judah bar Zabedi's brother in the name of Rabbi says: So long as an infant (*tinok*) is abandoned in the marketplace either its mother or its father can vouch for it (regarding its Jewishness). Once it has been collected from the marketplace two reliable witnesses are required. Its mother and father can act in this capacity. The rabbis of Caesarea in the name of Rabbi Hisda say: Such rules apply only to an immobile infant but an infant who can crawl requires two witnesses. The testimony of its mother and father is acceptable. This is the equivalent of Rabbi Yannai's dictum to the effect that ownership of jumping calves and foals cannot be established. (PT Kid 4.2)

Circumstances of abandonment, and of potential collection and adoption of these babies, depended not only on parental testimony but also on the agility of the abandoned infants and the size of the market. Large cities like Caesarea boasted several marketplaces as well as mixed Jewish-gentile population, and consequently required fine distinctions between immobile and crawling babies. The ubiquity of the phenomenon of child exposure in antiquity is echoed in rabbinic rules which set out to establish whether the baby could have been a Jew by birth, presumably in case of exposed girls and of the absence of circumcision. Factors weighing in favor or against a Jewish identification included the demography of the locality, specifically whether the town boasted a Jewish majority.

Children played everywhere and almost with everything.¹²⁹ They played with locusts and balls, and they staged war games using toy shields.¹³⁰ Their playfulness, even when involving cruelty to animals, was regarded with a certain indulgence:

It happened that children (*tinokot*) were playing . . . They tied tails of lambs to each other. In the course of the play the tail of one, the firstborn (*bechor*) (and hence the choicest to be sacrificed), was torn off. The case came before the sages and they allowed it (i.e. the animal could be sacrificed). When the children realized that [such games] were not penalized, they went and tied together the tails of other firstborns. The sages then declared [the animal] unfit [to serve as sacrificial animal]. Consequently a rule was made to the

¹²⁹ J. Schwartz, "Ball Playing in Jewish Society and in the Graeco-Roman World," in *Proceedings of the Eleventh World Congress of Jewish Studies*, Section B I (1993), 17–24; idem, "Jew and Non-Jew in the Roman Period in Light of Their Play, Games, and Leisure-Time Activities," in *God's Word for Our World, Theological and Cultural Studies in Honor of Simon John De Vries*, ed. J. Harold Ellens et al. (London and New York 2005), 128–40; idem, "Play and Games," *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. C. Hezser (Oxford 2010), 641–53.

¹³⁰ M Shab 9.7; M Kel 24.1.

effect that if maiming the firstborn is inflicted knowingly, it is forbidden [to serve as sacrifice]; if inadvertently, it is permitted. (M Bechor 5.3)

Here, as elsewhere in rabbinic literature, a distinction was introduced between adults who act with intent and children who act without an understanding or an ulterior motive. What, then, if an adult was present where children were playing? How much supervision could parents or a household slave extend to children playing on their own in the fields?

The pairing of crossroads and fields with children shows how the presence of Jewish children in nondomestic spaces provided an indicator of the range of human activities involving children and adults. Fields were open spaces that invited informal socialization; crossroads were a proverbial location for criminal activities as the career of Oedipus strikingly demonstrates. Even a Jewish youth contemplating a rebellion against parental authority could end up a criminal at a crossroads. As the enchanting tales about the itinerant rabbi Joshua, son of Hannaniah, show, crossroads, indeed outdoors in general, provided perfect settings for lessons administered by the young to the elderly.

When I was once walking along a road I saw a small boy (*tinok*) seated at a crossroads. I asked him: Which way should take me to town? He said: This one is short yet longer, the other is long yet shorter. I took the short one. Upon reaching town I found that it was surrounded by impassable gardens and orchards. I turned back and accosted the boy at the crossroads: My son, did you not tell me that this is the short way to town? He responded: Did I not add that it is also the longer? I kissed him on the head, adding: Happy is Israel that you are all great sages, from the youngest to the oldest.¹³¹

Spaces of Childhood: Children at Work

Rabbinic rules, as well as apprenticeship contracts from Egypt, refer to working children who were neither bonded nor children of slaves.¹³² The list of paternal obligations vis-à-vis sons specifically included teaching them a “clean” or “noble” trade, a recommendation that aspired to exclude

¹³¹ BT Eruv 53b and Preface.

¹³² Among studies dealing with child’s labor, primarily on the basis of papyri-contracts, K. Bradley, “Child Labour in the Roman World,” *Historical Reflections/Réflexions Historiques* 12 (1985), 311–30, largely reiterated in idem, *Discovering the Roman Family* (New York 1991), esp. p. 107; W. L. Westerman, “Apprenticeship Contracts and the Apprentice System in Roman Egypt,” *Classical Philology* 9 (1914), 295–314; M. Mirković, “Child Labour and Taxes in the Agriculture of Roman Egypt: Pais and Aphelix,” *Scripta Classica Israelica* 24 (2005), 139–49; Kotsifou, “Orphans,” passim; Laes, *Children*, 148–221, esp. 191–5 on apprenticeships.

a large number of professions ranging from donkey drivers to shopkeepers, medical doctors and butchers.¹³³ In fact, parents were rather eager to attach their children to a well-known craftsman even when the child lacked the most basic criterion for practicing the profession for which they apprenticed him:

A man had a son. The child was missing one of his fingers. His father sent him to learn flax combing, silk processing and similar skills, all trades which require all fingers. After a while the father came [to see how he was progressing but he made none]. The father then accosted [the master to whom he had apprenticed his child]: Why did you not teach these skills to my son? The expert replied: Because these skills require all the fingers while your son is missing one finger.¹³⁴

The anecdote, embedded in a parable aspiring to explain why God did not bestow the Torah on the angels, provides a glimpse into a world that revolved around children in the labor market. The father's position is clear. That of the master craftsman is less obvious, albeit crafted to suit the spirit and purpose of the narrative.¹³⁵ The child himself remains mute, tossed between home and workshop, between parent and teacher. Because the father, like the angels of the parable, presumed to upset God's plan, the paternal plan was doomed to fail. Yet, it was not the child's ineptness but his incurable disability that foiled the legitimate paternal plan to attach him as an apprentice to a master. It is likely that regardless of fitness, children were harnessed to familial efforts of earning a livelihood. Apprenticeship contracts from Egypt show that children were contracted out to experts for a specific length of time and in exchange for room, board and even a monthly wage.¹³⁶ A family would also apprentice a child to pay its debt. Whether the size and age of the child made a good fit or not was not mentioned.

Children's working environments varied. A Jewish child could find himself working in a winepress side by side with gentile laborers, a proximity which apparently entailed caution:

¹³³ PT Kid 4.14 and Chapter 3.

¹³⁴ *Midrash on Psalms* 8.15–19 (Buber); English translation in W. G. Braude, *Commentary on the Psalms. The Midrash on Psalms. Translated from the Hebrew and Aramaic*, 2 vols (New Haven 1959). *Midrash Tehillim* is a medieval compilation with much amoraic (late ancient) material. See also Chapter 5.

¹³⁵ Unless his eagerness to be paid caused him to turn a blind eye to the boy's infirmity. On teaching and training (apprenticeship) contracts, the latter entailing a payment to the master craftsman, Westermann, "Apprentice Contracts," where weaving features prominently; S. R. Hübner, *The Family in Roman Egypt: A Comparative Approach to Intergenerational Solidarity and Conflict*, 75–8. On the brutality suffered by apprentices in the course of instruction, Dig. 9.2.5.3 with Laes, *Children*, 193.

¹³⁶ C. Kotsifou, "Papyrological Perspectives," 349.

A child (*yenuka*) who mastered the law relating to idolatry at age six was asked: What is the rule regarding treading grapes with an idolater (*goy/oved kokhavim*) [also working] in a winepress? He responded: One may tread grapes with an idolater in a wine press. [Then he was asked:] What if he offers a libation [to the gods] with his hands? [the child answered:] They bind his hands. What if he touches it with his feet? [the child responded]: Wine touched by the foot is not named 'nesekh' (libation) [and hence it is not rendered unclean]. (BT AZ 56b)

These seem hardly practical measures unless the gentile laborer was also a child or a slave. Concern was expressed not about the tender age of the precocious Jewish child-worker but about the kosher state of the wine produced in case its use was prohibited to Jews.¹³⁷ Of working conditions we know little. The vignette suggests that children and adults worked side by side in spite of disparity of age, strength, size or status. We know that children were widely used in agriculture, as the evidence from Egypt suggests.¹³⁸

Children could engage in transactions which entailed deposits, a factor raising issues pertaining to the child's legal capacity:

One does not accept deposits from women and slaves nor from children (*ketanim*) . . . Deposits accepted from a minor should be kept in trust (*segula*) for him. If the child dies, the deposit should be returned to the child's father. However, if they (i.e. a woman, a slave, or a child) declared on their deathbed that their deposits should be given to a specific person whose money it had originally been, let it be done according to such specifics. In cases of a boy (*ben*) who is engaged in economic activities on behalf of his father, or a slave who negotiates on behalf of his master, the items negotiated belong either to the father or to the master unless they (boy and slave) stated otherwise on their deathbed. In which case this last wish will be executed. (T BQ 11.1)

Customers were cautioned against dealing with children, women and slaves who might have been overstepping the boundaries of gender, status, and age yet also realize that these transactions were not devoid of legality. If anyone had scruples about contracting an agreement with or buying from a

¹³⁷ M AZ 4.8–12. On this passage, D. M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley 2011), 67. In general, C. E. Hayes, *Between the Babylonian and the Palestinian Talmuds* (1997), 43–7; and eadem, *Gentile Impurities* (Oxford 2002), 219ff. On viticulture, Krauss, *Talmudische Archäologie* II, 108–10; R. Frankel, *Wine and Oil Production in Antiquity in Israel and Other Mediterranean Countries* (Sheffield 1999); J. S. Kloppenborg, *The Tenants in the Vineyard: Ideology, Economics and Agrarian Conflict in Jewish Palestine* (Tübingen 2006), 300–1.

¹³⁸ Mirkovic, "Child Labour," 143–7.

minor, s/he were discouraged yet also informed that deposits and purchases were legally acceptable, the assumption being that children, slaves and women acted on behalf of fathers, masters and husbands (T BQ 11.4). Deposits received from children had to be kept in trust until maturity and only returned if the child died while still a minor. Perhaps, then, these rules were intended as a warning against trading with children, slaves and women.

Whether the “children” of the rabbinic triad of “children-slaves-women” were both female and male is likely but uncertain.¹³⁹ Different rules applied to female child laborers from those governing male child laborers as references to income generated by minor daughters through “the toil of their hands” (*maaseh yadehen*) show.¹⁴⁰ Such income belonged to their father, who also had the legal right to own whatever his daughters might find, a privilege automatically transferred from father to husband.¹⁴¹ The skills that would have enabled a daughter to earn an income were likely learnt from other women at home.

The presence of slaves in Jewish households, specifically of indentured female minors in households of “the [Jewish] people of the land” (commoners, *am ha-aretz*) prompted rabbinic intervention in the economy of the land:

One may sell slaves and maids, adults or minors, to “the people of the land” as well as buy from them. Rabbi Meir, however, says: Minor Girls (*ketanot*) but not adult girls (*gedolot*). The sages say: Adult females [can be sold/bought] because they can assume [responsibilities of maintaining purities]. But Rabbi reiterated the objection: One does not sell girls, neither minor nor adults. The sages say: One may sell an adult female on the condition that she will not engage [in preparing food] according to her master’s orders [since he is not likely to abide by rabbinic rules of im/purities]. (T AZ 3.3)

Should we detect in this controversy an attempt to counter the biblical endorsement of the extension of paternal powers to the selling of daughters

¹³⁹ C. Hezser, *Slavery*, 69–82, on minors, slaves and women, stating that “this was more than a convenient theoretical construct” but one “based on actual social circumstances and common assumptions associated with these groups” (p. 69), although “references to slaves and slavery in ancient Jewish sources must primarily be understood as literary discourses . . . rather than taken as historically reliable depictions of everyday life,” eadem, “Slavery and the Jews,” in *The Cambridge World History of Slavery* I (2012), 439.

¹⁴⁰ Wegner, *Chattel*, 20–39.

¹⁴¹ M Ket 4.4. The slave-like position of females in rabbinic culture generated already in 1988 the provocative title of Wegner, *Chattel or Person*, and more recently in G. Labovitz, “The Purchase of his Money: Slavery and the Ethics of Jewish Marriage,” in *Beyond Slavery. Overcoming its Religious and Sexual Legacies*, ed. B. J. Broten (New York 2010), 91–106. Chapter 4.

to slavery? No specific reference is made in the discussion to daughters or to a specific age, but the buying/selling of minor females was emphatically condemned. Food preparations were at the heart of condoning transactions with the bodies of adult Jewish females. Because food defined a Jew, whether rabbinic or otherwise, the acquisition of a female slave-maid familiar with rabbinic cooking requirements provided an opportunity to extend rabbinic rules into non-rabbinic households.

Most Jewish and non-Jewish households would have owned one or more domestic slaves, each with his or her appointed tasks and each in a different relationship with the home's free dwellers.¹⁴² Roman householders were expected to treat their children and slaves differently, showing affection and praise mingled with reproof to the former, and administering blows to the latter.¹⁴³ Jewish householders who adhered to rabbinic precepts had to tread lightly amid the plethora of rules relating to their own children, to Jewish slaves and to gentile slaves.¹⁴⁴ From the fourth century onward, imperial legislation stepped into the Jewish private realm with regulations regarding the employment of Christian slaves, forbidding the possession, circumcision and conversion of these slaves.¹⁴⁵

Rabbinic guidelines insisted that a Hebrew male slave could only serve the son of the man who had purchased him but not his daughter, while a Hebrew maid or a bored slave or one sold to a gentile were to serve neither son nor daughter upon the death of the father-master (BT Kid 17b). The Mishnah maintained that a Jew who sold himself and his children to a gentile would not be redeemed but that after his death his children would.¹⁴⁶ Since slaves, like lands, could be either freed or inherited by testament, the efficacy of rabbinic restrictions cannot be tested. Special

¹⁴² C. Hezser, *Jewish Slavery*, passim. On the experiences of children-slaves within Roman domestic and familial spaces, and relations between the free and the bonded, E. Herrmann-Otto, "Kindsein im römischen Reich," in *Kindersklaven – Sklavenkinder: Schicksale zwischen Zuneigung und Ausbeutung in der Antike und im interkulturellen Vergleich*, ed. H. Heinen (Stuttgart 2012), 171–202; on the intertwining of law and economy through the body of slave children, R. Gamauf, "Sklavenkinder in den Rechtsquellen," in *ibid.*, 231–60. Note the terminological difficulties in Greek and Latin, which apply the same terms to minors of different ages as well as to dependents and slaves (*paides*, *neoi*, *pueri*, *adolescentes*, *iuvenes*), Mirkovic, "Child Labour"; M. Golden, "Pais, 'child,' and 'slave,'" *L'Antiquité Classique* 54 (1985), 91–104.

¹⁴³ (Ps) Plutarch, *de liberis educandis* 10–12 with Saller, *Patriarchy*, 143.

¹⁴⁴ C. Hezser, "The Impact of Household Slaves on the Jewish Family in Roman Palestine," *JSJ* 34 (2003), 375–424, esp. 400–408.

¹⁴⁵ A. Linder, *The Jews in Roman Imperial Legislation* (Detroit 1987).

¹⁴⁶ M Git 4.9. It is unclear whether the rule, inserted in a sugya on the family and *tikun olam* (repair of the world), refers only to male children-slaves. On Judaism, slavery and manumission, E. L. Gibson, *The Jewish Manumission Inscriptions of the Bosphorus Kingdom* (Tübingen 1999), 56–95; Hezser, *Slavery* (on manumission).

sensitivity was shown to Jewish girls used as guarantor (*mashkon*) of paternal debt. Once freed and reunited with their families they were subjected to suspicions of sexual abuse which seriously undermined their marital prospects.¹⁴⁷

Children captured during wars and sent to slave markets around the Mediterranean were especially vulnerable to sexual abuse.¹⁴⁸ Rabbinic sources emphatically denounced pederasty, even asserting that playing with children (*mesakhakim be-tinokot*), especially boys younger than nine, delays the coming of the Messiah.¹⁴⁹ Following the Jewish revolts in the late first and the early second century countless minors were likely sold.¹⁵⁰ The enforced separation of families and of siblings introduced fears of incest, clearly illustrated in the tragic story of two children, a girl and a boy, scions of the family of the high priest Zadok (c. 70 CE). The two were separated, sold into slavery, yet later brought together when their masters planned to force them to breed. Although blindfolded, the children recognized one another. They embraced and kissed until they expired.¹⁵¹ Another vignette tells of four hundred boys and girls who were captured but preferred suicide by drowning rather than being sold into slavery.¹⁵² Regardless of the accuracy or veracity of such narratives, they convey the additional indignities inflicted on children when sold into slavery. It is also likely that not a few would have been eventually manumitted, not the least through ransoming.¹⁵³ We know of a home-born slave, Paramone, and her two children, the ten-year-old Jakob and his four-year-old sister, whose ransom was paid by the Palestinian Ono community.¹⁵⁴ Manumission

¹⁴⁷ M Edu 8.2, Chapter 4 for discussion.

¹⁴⁸ J. W. Martens, "I Renounce the Sexual Abuse of Boys," Renegotiating the Boundaries of Sexual Behaviour in Late Antiquity by Jews and Christians," in *Children and Family in Late Antiquity. Life, Death and Interaction*, ed. C. Laes, K. Mustakallio, V. Vuolanto (Leuven 2015), 181–6, esp. 184. On pederasty see also M. Satlow, *Tasting the Dish. Rabbinic Rhetoric of Sexuality* (Providence 1995), 203–9.

¹⁴⁹ BT Nid 13b; Satlow, 192–8; Martens, 188–9. Cf. the assertion that sex with a three-year-old girl is not considered intercourse, M Nid 5.6, this chapter.

¹⁵⁰ W. Scheidel, "Quantifying the Sources of Slaves in the Early Roman Empire," *JRS* 87 (1997), 156–69; idem, "The Roman Slave Supply," in *The Cambridge World History of Slavery I. The Ancient Mediterranean World* (Cambridge 2011), 287–310; K. Harper, *Slavery in the Late Roman World* (Cambridge 2011), 67–99.

¹⁵¹ LamR 1.16, BT Git 58a with Hasan-Rokem, *Web of Life. Folklore and Midrash in Rabbinic Literature* (2000), 28f.

¹⁵² BT Git 57a.

¹⁵³ Unless one considers the four hundred school children of Bethar as martyrs, BT Git 58a, and Chapter 8.

¹⁵⁴ CPJ 473, from Oxyrynchus, mid-third century, with Gibson, *Jewish Manumission Inscriptions*, 70–2. The religious identity of the mother is unclear; the name of the child and the exceptional efforts from a distance point to Palestinian origins. How and why the family ended in Egyptian slavery is unclear.

scenes took place in Diaspora synagogues where the Jewish community acted as a co-*epitropos* (joint guardian), regardless of the slaves' origins and religious affiliation.¹⁵⁵

Working children, free or bonded, rarely intrude upon the environments constructed so minutely by the rabbis through countless rules and narratives.¹⁵⁶ Rabbinic theories of childhood focused on a learning rather than a working child. This was no doubt an ideal, perhaps even a utopian, landscape of childhood. To distinguish between facts and rights, children were regarded as wage earner and fathers as the owners of their laboring bodies.¹⁵⁷

Spaces of Childhood: Children at School

According to a brief Talmudic discussion of a literary renaissance ascribed to the mythic biblical past, children's acquisition of the alphabet entailed interpretative games which conjured connotations bred by realities:

[In those days] children (*dardakim*) at school (*beth midrash*) said things which have not been heard since the days of (the biblical) Joshua the son of Nun. [They said] Alef-beth [means] "cultivate wisdom"; gimmel-daleth [means] "reward the poor." [They asked:] Why is the foot of the gimmel stretched toward the daleth? [They responded] Because an alms collector is wont to run after the poor. Why is the "roof" of the daleth stretched out toward the gimmel? Because he [the poor] must make himself available to the charity collector . . . (BT Shab 104a)

Hailing the children's ingenuity, this reference to schooling methods points to the type of linguistic sensibilities which endowed children with knowledge that had been all but forgotten.¹⁵⁸ Children alone were capable, the text suggests, of linking the alphabet with concrete imagery based on their own experiences. In practice, however, such recitations are

¹⁵⁵ Attested in the famous first-century Bosphoran manumission inscriptions, Gibson, *ibid.*; IJO I, BS5–BS9; BS 17–BS 25.

¹⁵⁶ Cf. the rare references to working children, either in conjunction with their mothers and old folk as a backup to temporary labor migrants who had to work away from home, or as slave labor in the textile industry as well as extra hands at harvest time (p. 178 note 25), P. Erdkamp, "Agriculture, Division of Labor and the Paths to Economic Growth," in *idem et al. eds., Ownership and Exploitation of Land and Natural Resources in the Roman World* (Oxford 2015), 31; and A. Launaro, "The Nature of the Villa Economy," in P. Erdkamp et al. eds., *Ownership and Exploitation of Land and Natural Resources in the Roman World* (Oxford 2015), 178 note 25.

¹⁵⁷ Cf. V. A. Zelizer, *Pricing the Priceless Child. The Changing Social Value of Children* (Princeton 1994).

¹⁵⁸ D. Stein, *Textual Mirrors: Reflexivity, Midrash, and the Rabbinic Self* (Philadelphia 2012), 92. On elementary education see E. Ebner, *Elementary Education in Ancient Israel During the Tannaitic Period* (10–220 CE) (New York 1956).

reminiscent of pedagogical strategies of memorization practiced in schools around the Mediterranean in antiquity.¹⁵⁹

School days were mostly remembered not on account of mnemonics but because of the whip. Violence at school was proverbial in ancient writings, inflicted both by teachers and perpetrated by children toward other children.¹⁶⁰ Rabbinic literature dealt with violence and children in two well-defined spaces: home (own and others') and school, as though completing each other.¹⁶¹ One rabbinic saying predicted blindness for fathers who brought up bad sons, and for teachers who groomed a bad pupil as though failure, parental and pedagogical, can only be compensated by not seeing the child (GenR 65.10). Another saying compared the beating administered to children by their fathers and teachers with the lashings inflicted on convicts by an emissary of the court of law (M Mak 2.2). Disciplinary issues at school were hardly a novelty.¹⁶² Schools provided an arena designed to instill discipline, teachers were ever ready to apply the strap and corporal punishment was regularly administered regardless of the pupil's dedication to learning (T Suk 2.7).

There were biblical precedents for this pedagogical approach. Abraham chastised Isaac, Isaac did the same to Jacob and Jacob to his sons, who thus learnt proper behavior (ExR 1.1). Such methods instilled fear and the rabbis predictably concluded that children were always afraid of their teacher (BT Shab 13a). If they ran away from school, children would shiver to contemplate the punishment in store for such

¹⁵⁹ E. Dickey, *The Colloquia of the Hermeneumata Pseudodositheana*, 2 vols (2012 and 2015). On the influence of the *progymnasmata* on the formation of Talmudic sugyot, D. Brodsky, "From Disagreement to Talmudic Discourse: Progymnasmata and the Evolution of a Rabbinic Genre," in *Rabbinic Traditions between Palestine and Babylonia*, ed. R. Nikolsky and T. Ilan (Leiden 2014), 186f.

¹⁶⁰ C. Laes, "Child Beating in Roman Antiquity: Some Reconsiderations," in *Hoping for Continuity. Childhood, Education and Death in Antiquity and the Middle Ages*, ed. K. Mustakallio (2005), 75–89, accounting for this form of violence by the perception of children, animals, slaves and women as outsiders lacking reason, a universal assumption which could only be remedied through the infliction of physical pain (p. 84). W. M. Bloomer, "Corporal Punishment in the Ancient School," in idem, *A Companion to Ancient Education* (Malden 2015), 184–98. A bronze mirror from Pompeii shows two children holding a third while he is being spanked by their teacher (www.vroma.org/~bmcmanus/rawson.html), a curious object for commemorating this form of violence. See Chapter 6.

¹⁶¹ C. Hezser, *Jewish Literacy* (Tübingen 2001), 40–89 on elementary education, teachers, schools and schooling. Cf. violence and adults receiving greater attention, viz. T. Grossmark, "The Inn as a Place of Violence and Danger in Rabbinic Literature," in *Violence in Late Antiquity. Perceptions and Practices*, ed. H. A. Drake et al (Aldershot 2006), 57–68.

¹⁶² S. F. Bonner, *Education in Ancient Rome* (London 1977, rep. 2012), 143–5; R. Criore, *Gymnastics of the Mind. Greek Education in Hellenistic and Roman Egypt*, 65–73; Laes, *Children*, 137–47 on corporal punishment in Roman education.

feats.¹⁶³ Paraphrasing a famous entry in the Passover Haggadah about the four sons, Rabbi Akiva (early second century) categorized four types of royal sons according to their reaction to school flogging:

The king had four sons: one was flogged and kept silent; the other was flogged and kicked; the third was flogged and begged; the fourth was flogged and told his father: Beat me.¹⁶⁴

The harshness of teachers was observed even by slaves.¹⁶⁵ Yet adult scholars were also susceptible to flogging if they pronounced an unacceptable judgment.¹⁶⁶

Spaces of learning and of domesticity reverberated with violence, which echoed the tenor that governed public spaces, judicial rhetoric and school exercises around the Mediterranean.¹⁶⁷ Teachers adopted the coercive measures that children knew from home, where these were practiced by parents who considered it normal to beat slaves and children.¹⁶⁸ Children could follow with their own eyes case investigations (*quaestiones*) conducted in public and involving torture, corporal punishment and execution.¹⁶⁹ Rabbinic legal compilations devoted an entire tractate to flogging (*makkot*), which also deals with the execution of false witnesses, with crimes leading to exile, transgressions that merited flogging and with moral matters.¹⁷⁰

At times teachers would apply their whip indiscriminately and parents faced a problem:

One day Samuel's father found him crying. He asked the child: Why are you crying? Samuel responded: Because my teacher beat me. Why? Because he said to me: You did not wash your hands before feeding my son. Why did you not? Because [his child] was the one who was eating [and not I] so I had

¹⁶³ GenR 48.6; on running away from school, PT Taan 4.5; Semahot 2.4. On corporal punishment at school, M. Aberbach, *Jewish Education in the Period of Mishnah and Talmud* (Jerusalem 1943) (Heb.), 222f. and passim.

¹⁶⁴ Semahot 8.11; Aberbach, 242.

¹⁶⁵ PT MQ 3.1 with T. Ilan, *Silencing the Queen*, 193–6, who also notes the dramatically different version of BT MQ 17a. Cf. Laes, *Children*, 122–31 on elementary education in the Roman world, esp. 124: “the schoolmaster’s didactic tool of choice was the ruler or the whip,” namely physical disciplining as an integral component of education in general.

¹⁶⁶ PT Yev 2.6; GebR 7.2; EccR 7.23, with Aberbach, 244.

¹⁶⁷ In general, *Du châtiement dans la cité: Supplices corporels et peine de mort dans le monde antique* (Rome 1984); R. MacMullen, “Judicial Savagery in the Roman Empire,” *Chiron*, 16 (1986), 147–66; D. G. Kyle, *Spectacles of Death in Ancient Rome* (London 1998).

¹⁶⁸ Cribiore, *Gymnastics*, 69.

¹⁶⁹ Sivan, “Le Corps d’une pécheresse, le prix de la piété. La Politique de l’adultère dans l’Antiquité tardive,” *Annales* 53 (1998): 231–5.

¹⁷⁰ M Mak 3.16. B. A. Berkowitz, *Execution and Invention*, passim.

no reason to wash. Upon which Samuel's father said: The teacher is indeed ignorant [of the rules relating to washing hands prior to eating]. He was, however, right in beating you! (BT Hull 107b)

The child Samuel was correct in that he, as the feeding agent, had no need to wash his hands. The teacher was presumably correct in putting the child in his place as one in no position to communicate the law to his superiors.¹⁷¹ Yet other childish enterprises met with unqualified adult approval:

It once happened that on a rainy day the sages (*khakhamim*) were absent from the house of assembly (*beth va'ad*). The children (*tinokot*) did come there, saying: Let us ensure that the house of assembly does not stand idle. All ended up as great sages. (PT Meg 1.11)

What may have started as a game of school children pretending to be adults was elevated to the rank of a prophetic moment taken as a token of their future.¹⁷²

Not all schooldays souvenirs were peppered with lashing. One could remember how teachers enlivened dry biblical rules with an early dismissal from school:

Father told me that this family is unclean and the other is clean . . . [A man may be also trusted when he says that] his teacher allowed a classmate to leave [school early] so as to immerse in order to be able to eat *terumah*.¹⁷³

A similar anecdote was recalled about another child who, due to his status, received a similar dispensation from the teacher:

I remember that this man when he [was a child] used to leave school [early?] in order to immerse so that he may eat in *terumah* (heave offering) (M Ket 2.10)

Schools opened a civic space to carry on tradition, to immerse in the Torah, to acquire the values that made a child a Jew. Learning spaces were monosex, dispensing literacy only to boys. They were incubators of Jewish masculinity, their doors closed to gentile teachers or master craftsmen.¹⁷⁴ Schools bred nationalism, and school children were expected to rise up in arms if confronted with the prospect of slavery:

¹⁷¹ Hauptman, *Rereading the Mishnah*, 238f.

¹⁷² PT Shab 6.10; BT Hag 15a–b, with Y. Harari, *Early Jewish Magic. Research. Method. Sources* (Jerusalem 2010), 318–19 (Heb).

¹⁷³ T Ket 3.3; Hauptman, *Rereading the Mishnah*, 242–54 for full discussion of testimony based on childhood memory.

¹⁷⁴ T AZ 3.1 categorically bans gentile shepherds, teachers of children (*tinokot*) and teachers of crafts lest such intimacy leads to pederasty; S. Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden 1994), 148–9.

There were four hundred synagogues in the city of Bethar, and in every one were four hundred teachers of children, and each one had under him four hundred pupils. When the [Roman] enemy entered there the children pierced the soldiers with their staves. When the enemy prevailed and captured the children, each was wrapped in its scroll and set alight with fire. (BT Git 58a)

As instruments of martyrology, school utensils projected a paradox of a course of learning which transformed schools into battle arenas. Instead of applying writing implements to studying, the children used them as means of liberation from Roman rule. At the same time, the story reminded its audience of the colossal loss of life caused by the failure of the Bar Kokhba revolt against Rome. In the rabbinic reading of the catastrophe of Bethar and the grim end of its schools, the children's action strengthened the solidarity of resistance to Rome. Regardless of the accuracy of the reported statistics, the vignette provided a venerable, albeit tragic, model of crucial moments of formation.

Spaces of Innocence: Biblical Recitation and Rabbinic Interpretation

Innocent recitation of biblical verses, often a component of school exercises, was used in cautionary tales that carefully positioned children and biblical verses as keys to a greater truth.¹⁷⁵ On one occasion, the planting of a reciting child in the middle of an exceptionally rich gastronomic display was used to illustrate distinctions between Jewish communities of Palestine, Babylonia and the Roman Diaspora:

Rabbi Ishmael son of Rabbi Yosi asked Rabbi: What virtue has enabled Babylonian Jewry to prosper? [He responded:] The Torah [which they study]. And the Jews Eretz Israel (=Palestine)? The [punctual setting aside of] tithes. And what virtue exists among Jews of the Diaspora? They honor the Sabbath and the festivals. Rabbi Hiyya son of Abba said: I was once invited by a man of Laodicea at whose home they brought out a dining table with sixteen legs and on it was every item which had been created during the six days of the Creation. In its center was a child, sitting and reciting: *The earth and everything on it belongs to the Lord* (Ps 24:1). Why? In order to ensure that the owner of all this wealth will not become inordinately proud. I asked him: My son, by what virtue do you merit all this wealth? I was a butcher, he told me, And whenever I saw a particularly handsome animal I set it aside for the Sabbath. (GenR 11.4)

¹⁷⁵ G. Stemberger, "Kinder lernen Tora-Rabbinische Perspektiven," in idem, *Scripta Minora*, 61–8.

The version of the story preserved in Pesikta Rabbati placed two children (*tinokot*) at the center of this exceptional table, one pronouncing verses from Psalms, the other from Haggai, both calculated to remind all and sundry that everything on earth belongs to God.¹⁷⁶ Sounding like and representing angelic voices, the chanting children reinforced the omnipresence of the divine and the centrality of the divinely mandated Sabbath.

The lone voice of a child reciting the Exodus verses of priestly vestments was used to unfold a narrative of conversion not untinged with irony:

Once a pagan (*nokhri*) passed behind a synagogue and heard a child (*tinok*) reciting: *These are the vestments: a breast-piece, an ephod, a robe, a checkered tunic, a turban, and a sash* (Ex 28:4). He went to Shammai and asked: For whom all these are planned? [He answered:] For the Great Priest who stands in front of the altar. Thereupon the pagan said: Make me a Jew so that I, too, will become a Great Priest . . . (ARN A 15)

The quest for these trappings brought the anonymous pagan to the two great sages of the first century, Shammai and Hillel, the former dismissing him, the latter sending him to school to learn the alphabet, just like a small child.¹⁷⁷ Jerome reported a similar exchange between the pagan Praetextatus, a venerable Roman aristocrat, and Damasus, the bishop of Rome (366–384 CE).¹⁷⁸ Narratives about pagans seeking conversion either to Judaism or to Christianity tended to climax in requests of the would-be convert to be made either a great priest or a pope. Other narratives of conversion, most famously Augustine's, involved the voice of a child reciting biblical verses which the listener interpreted as signs from heaven. In the Jewish version of conversion narratives, the proselyte Hillel treated a would-be convert as a child requiring reeducation. At the conclusion of the vignette, we learn that the proselyte fathered two sons, one named Hillel, the other Gamaliel, both known as Hillel's converts (*gerim shel Hillel*). It was a fitting closure to a story that started with children in the process of

¹⁷⁶ PesR 23.21.

¹⁷⁷ Cf. a similar quest narrated within Zoroastrian-Persian context, R. Kiperwasser and S. Ruzer, "Zoroastrian Proselytes in Rabbinic and Syriac Christian Narratives: Orality-Related Markers of Cultural Identity," *History of Religions* 51(2012), 197–218.

¹⁷⁸ Jerome, C. Iohannes 8; on Praetextatus' career, including his role in the clashes over the papacy in 367–8, M. Kahlos, *Vettius Agorius Praetextatus – Senatorial Life in Between* (Acta Instituti Romani Finlandiae 26) (Rome 2002), ch. 12. See also B. L. Visotzky, "Hillel, Hieronymus and Praetextatus," in idem, *Fathers of the World. Essays in Patristic and Rabbinic Literatures* (Tübingen 1995), 160–8. It is unclear whether the ARN narrative borrowed from BT Shab 31a or, as I believe, from the pithy saying attributed to Praetextatus.

learning and ended with the birth of two Jewish children, a perfect cycle of birth–rebirth as a Jew – and birth yet again.

Because children understood unquestionably the power of Scripture, they were made compatible with rabbinic authority even over wayward sages. In an effort to win back the best known Jewish “heretic,” Elisha ben Avuya (also known as “the other” = Aher), his equally famous pupil, Rabbi Meir, took him on a tour of schools in Palestine. In each of these schools Elisha requested a child to recite a verse. In each of these schools the verse seemed to hit Elisha square in the face as though intended to illuminate the enormity of his apostasy.

Rabbi Meir took Elisha to a schoolhouse (*midrasha*) where Aher said to a child: Recite for me your verse. The child recited: *There is no peace, says the Lord, for the wicked* (Isa 48:22). They then went to another schoolhouse (*knishta*) where Aher said to a child (*yenuka*): Recite for me your verse. The child recited: *For though you wash yourself with lye and use much soap, the stain of your guilt cannot fade before me* (Jer 2:22) . . . In this manner they went to thirteen schools, one after the other, where the children recited verses boding evil. When Aher said to the last child: Recite for me your verse, and he recited: *To the wicked God says: what right do you have to recite my statues?* (Ps 50:16). Because that child had a stammer (*megamgem bilshono*) his words sounded as though instead of “to the wicked” he said: “to Elisha”. It was later told that Elisha, who had a knife with him, cut the child up and sent his parts to the thirteen schools. Others say that Elisha only said: If I had a knife in my hand I would have cut him to pieces. (BT Hag 15a-b)

As an instrument of the rift between an apostate and his former rabbinic mates, the children in this carefully crafted narrative contributed to the separation of Aher from his Jewish-rabbinic past. They became the bearers of rabbinic Jewishness. Their verses read the dreaded effects of Elisha’s voluntary severance. By multiplying the expressions of the divisive, the children settled Elisha firmly into a solitude that contrasted sharply with the collectivity of rabbis and children. At the end of the series of school recitations, the last child goaded Elisha into action by stuttering in a manner that distorted the original biblical verse, making it into an *ad hominem* declaration of the divine. The gory punishment allegedly applied to the child (one strand of the story) or contemplated by Elisha (a second strand of the story) deliberately echoed the action of the Levite who cut up his mistress’ body into twelve parts, one for each tribe of Israel, following her brutal gang rape by members of the tribe of Benjamin (Judges 19). In the biblical text the action ushered a civil war. In the story about Elisha the (proposed) execution of the child and the dispatch of its parts to the other

twelve schools constructed a trail of estrangement from both Judaism and humanity.

Oracular utterances uttered by children were used for purely tactical reasons. Because the reciters were the embodiment of innocence and purity, their verses, all lifted from Scripture, were infused with concrete meaning aimed solely at those who heard them. A rabbi reluctant to undertake a long yet pious journey was fortunate enough to hear children reciting verses which, when applied to his case, enabled him to stay at home. The conjunction between incidental vocalization of biblical verses and rabbinic interpretation dictated the specific characteristics of the outcome:

Bar Qappara went into a certain town. Upon arrival he stubbed his toe [and fell]. When he got up he heard the voice of children (*taliah*) reciting: *If he comes in single, he shall go out single* (Ex.21:3). Upon which Qappara said (to himself): Apparently I accomplished nothing (by coming here) besides this bruise. And this is just what had happened. Rabbi Yochanan and R. Shimon son of Lakish desired to see Samuel (a famous sage living in Babylonia). They said: Let us follow an echo (*bat kol*) [and decide whether to undertake this journey]. They passed by a class from which the voice of children could be heard reciting: *Now Samuel died* (1 Sam.25.1). They took this as an omen, and this is just what had happened. (PT Shab 6.10)

From the Babylonian version of the same story (BT Hull 95b) we learn that the Babylonian Samuel was not dead at all but that God wanted to save Yochanan a long and arduous journey.¹⁷⁹

The End: Disease and Death

Disease and premature death, twin curses of childhood in antiquity, induced regular priestly fasts on behalf of sick children:

On Wednesday they would fast so that children would not get croup . . . on Thursday they would fast for pregnant women that they not miscarry and for nursing mothers that their children not die.¹⁸⁰

Death awaited children throughout early life, from miscarriage and abortion, through birth, circumcision, exposure, infancy, childhood and

¹⁷⁹ P. W. van der Horst, "Sortes. Sacred Books as Instant Oracles in Late Antiquity," in idem, *Japheth in the Tents of Shem: Studies on Jewish Hellenism in Antiquity* (Leuven 2002), 164–7 on this and other "oracles" involving children.

¹⁸⁰ PT 4.3 with Tropper, "Jewish Family," 316.

adolescence.¹⁸¹ Rabbinic sources confirm children's multiple modes of death. A child could choke to death on something swallowed inadvertently, or die by design if his widowed mother wished to remarry.¹⁸² A baby could perish for lack of his mother's milk, or fall prey to wolves.¹⁸³ Circumcision, too, could endanger the life of a newborn. Rabbinic sources allude to death due to circumcision but not to how these babies were buried.¹⁸⁴ A mother who lost her two older sons during circumcision was allowed to raise her third and last child without administering circumcision to him.¹⁸⁵ On that occasion the rabbis correctly surmised that the cause of death was genetics – some families tended to bleed profusely and dangerously, others did not.¹⁸⁶ A baby could be nursed even on a Sabbath and by a gentile wet nurse if its life was in danger.¹⁸⁷ Poor prospects of survival generated an industry of amulets designed to protect the unborn, the newly born and the mother.¹⁸⁸

Fatal accidents befell children, on land and at sea, even in a sports arena where two cleaning boys were killed when the guards lost control over a lion!¹⁸⁹ Children could perish by fire, they could be hit by falling stones, tiles or a collapsing house, be bitten by snakes or scorpions, die in earthquakes, fall from horses or be run over by a cart, tumble into a pit or a well,

¹⁸¹ Tropper, "Jewish Family," 318–19 listing starvation, death in war and persecutions, locked into houses, killed by demons or insects, kidnapped, sold, murdered, bewitched or neglected. On Infant mortality in the Roman world D. Soren and N. Soren, *A Roman Villa and a Late Roman Infant Cemetery: Excavation at Poggio* (Rome 1999), 461f.

¹⁸² PT AZ 2.2 (on needing a miracle to cure a child who swallowed); Newman, *Maasim*, case no. 11, pp. 136–7 on deliberate suffocation of a child by mother. On exposure, Chapter 5.

¹⁸³ T Nid 2.6 allowing birth control when nursing one child (age two years or less) lest it, or a second child, dies for want of mother-milk. M Taan 3.6.

¹⁸⁴ T Shab 15.8, Tropper, 316–17.

¹⁸⁵ BT Yev 64b where the same pattern of repeated baby's death through circumcision is told of one woman with three or four children and with four sisters in Sephoris, each with a son who also died during circumcision. Cf. T Shab 15.8.

¹⁸⁶ Ibid. Cf. the extremely high proportion of fetuses, newborn and small children in the sample of the population of Jerusalem during the Second Temple, as surmised by T. Kahana, "Human Skeletal Remains from Wadi el-Halaf (near Khirbat Ras Abu Ma'aruf), Jerusalem I," *Atiqot* 48 (2004), 83–90, concluding that the data either reflect a funerary practice that treated very carefully the remains of the very young when preparing secondary burials, or the result of better preservation of smaller bones.

¹⁸⁷ T Nid 2.5. Cf. BT Yev 114a.

¹⁸⁸ G. Bohak, *Ancient Jewish Magic* (Cambridge 2008), 310; J. A. Montgomery, "Some Early Amulets from Palestine," *Journal of the American Oriental Society* 31 (1911), 272–81, on a Hebrew amulet on silver foil dated between the second and fifth centuries CE. Amulets with *Isis lactans* were forbidden by the rabbis, a prohibition which suggests their use in Jewish households possibly in conjunction with the welfare of nursing babies and mothers, T AZ 5.1 with R. Ulmer, *Egyptian Cultural Icons in Midrash* (Berlin 2009), 230–1.

¹⁸⁹ Martial, Epig. 2.75. C. Laes, "Children and Accidents in Roman Antiquity," *Ancient Society* 34 (2004), 153–70.

or fall out of a window or even from their father's shoulder.¹⁹⁰ Many drowned, some were suffocated by a crowd and a few choked on a grape or died from overdose of alcohol or a poisonous drink. Babies and young infants were particularly susceptible to infections, especially after breastfeeding ceased, due to unclean containers and contaminated food. The result ranged from dysentery to death.¹⁹¹ There is hardly a doubt that most dwellers of the ancient Mediterranean, and children in particular, were vulnerable if not prone to deadly accidents.¹⁹² In addition to natural causes, countless Jewish children perished during the years of revolts against Rome, not a few in the course of defending Jewish values. The vignette of the children's battle of Bethar may not have been entirely devoid of reality.¹⁹³

A comparison of four Judaeon-Palestinian cemeteries in late Hellenistic Jerusalem, Roman Jerusalem, first-century CE Jericho and fourth-century CE Galilean Meiron provides useful insights into children's mortality.¹⁹⁴ In each cemetery skeletal remains belonging to individuals younger than twelve years old formed about 30 percent of the identifiable material, increasing to about 40 percent in the case of late ancient Meiron. The lower figures may have been due to the elevated status of the occupants' families, who alone could afford to bury their dead in expensive tombs.¹⁹⁵ A unique find of approximately one hundred infant skeletons in Israel (Ashkelon/Ascalon), buried or thrown into a sewer pit in late antiquity, points to the practice of infanticide.¹⁹⁶ Perhaps towns had a designated place for disposal of babies, especially neonates, whether sacrificed (as in Carthage) or

¹⁹⁰ For remedies, originating in Babylonia, for scorpion's bite and bee's stinging, BT San 110b. PT Shab 14.3 prefers incantations in such cases.

¹⁹¹ A. Scobie, "Slums, Sanitation, and Mortality in the Roman World," *Klio* 68 (1986), 422.

¹⁹² Laes, 160–2 for the list.

¹⁹³ PT Ta'an 4.6; N. Hacham, "Rabban Shimon ben Gamaliel in Bethar," *Tarbiz* 74 (2005), 547–64 (Heb) for discussion of the massacre of Bethar's school children in parallel sugyot.

¹⁹⁴ P. Smith and J. Zias, "Skeletal Remains from French Hill Tomb," *IEJ* 30 (1980), 113 for comparative table; R. Hachlili, B. Arensburg, P. Smith and A. Killebrew, "The Jewish Necropolis at Jericho," *Current Anthropology* (December 1981), 701–2.

¹⁹⁵ Cf. Scheidel, 11, on considerations of class, gender or age which would have determined the probability of receiving a proper burial in a particular cemetery.

¹⁹⁶ P. Smith and G. Kahila, "Identification of Infanticide in Archaeological Sites: A Case Study from the Late Roman-Early Byzantine Periods at Ashkelon, Israel," *Journal of Archaeological Sciences* 19 (1992), 667–75, who dismiss the possibility of an epidemic or a massacre. No textual support is offered to substantiate the allocation of a specific gutter for the disposal of neonates who were victims of parental abuse. The practice, in itself, was hardly unique to Roman Palestine, M. A. Liston and S. Rotroff, "Babies in the Well: Archaeological Evidence for Newborn Disposal in Hellenistic Greece," in *The Oxford Handbook of Childhood and Education*, 83–107.

aborted.¹⁹⁷ In Ashkelon and elsewhere around the Mediterranean, child burials were accompanied by animal bones.¹⁹⁸ Based on rabbinic references to Ashkelon, children living in that coastal city could also fall victim to drought. M Taan 3.6 calls for a general fasting in the wake of a scorching drought in Ashkelon. On the other side of the Jordan, infants were savaged by wolves, a tragedy that called for another fast.¹⁹⁹

Almost everywhere in Roman Palestine one could stumble on single or mass graves of newborns. Fetuses, aborted either by natural miscarriage or by deliberate termination, were buried in piles between towns and roads, even between body parts of lepers (M Ohol 16.2).²⁰⁰ Samaritans apparently cast aborted fetuses into burial mounds exposed to the ravenous teeth of animals and considered by rabbinic standards a source of pollution.²⁰¹ Bodies of babies could also be thrown into a pit (*bor*, M Ohol 16.5), where they shared space with the remains of those who had been executed.

Rabbinic statistics regarding death and its causes are astonishing and tendentious. In one passage it is claimed that ninety-nine out of one hundred people die in Babylonia of the evil eye because there the evil eye is everywhere, the same number die in Galilean Sepphoris of exposure due to cold or heat waves, of bile or of parental transgressions. Weather

¹⁹⁷ But see M. E. Lewis, *The Bioarchaeology of Children* (Cambridge 2007) for a useful survey, esp. p. 86 f. on infanticide, noting the relatively small number of infant burials in the Roman world and the small sample of such clusters. In Carthage, for example, a walled enclosure in the town contained thousands of urns of children up to the age of four, all victims of child sacrifice in the pre-Roman Punic realm at the rate of one hundred per year (between c. 750 to 150 BCE). In Roman Carthage, children were buried in amphorae in cemeteries like Yasmina. Lewis also reports doubts regarding the identification of infanticide in archaeological remains. Smith and Kahila, 669, further support their hypothesis of a violent end by comparing the disorderly sewer-burial with a single one in a jar of a “young infant,” age undisclosed, but not the precise nature of the area where the jar was found.

¹⁹⁸ There is no description or a drawing of the sewer, nor is it clear whether its date reflects that of the skeletons it contained. See this chapter for rabbinic comments on burials in precisely such locations (*borot*), whether natural or manmade. On the shared burials of infants and dogs, as well as on the use of wells for mass burials of children, L.M. Snyder, “Animal Bones from Well G-5. Domestic Debris in Late Hellenistic Athens,” *AJA* 103 (1999), 282–5; I. Chenal-Velarde, in *Dogs and People in Social, Working, Economic or Symbolic Interaction*, ed. L. M. Snyder and E. A. Moor (Oxford 2006), 24–31; on the development of specific burial customs for perinatals and infants in the Roman period, A. Lagia, “Notions of Childhood in the Classical Polis,” in *Constructions of Childhood in Ancient Greece and Italy* (Hesperia Suppl. 41), ed. A. Cohen and J. B. Rutter (2007), 298–304. See also the introduction and several articles in A.-M. Guimier-Sorbets and E. Morizot (eds.), *L'enfant et la mort dans l'Antiquité I. Nouvelles recherches dans les nécropoles grecques; le signalement des tombes d'enfants* (Paris 2010). These and many other recent studies necessitate, to my mind, a new evaluation of the Ashkelon burial.

¹⁹⁹ M Eduyot 8.2 refers to a girl, *tinoket*, who had been used as a debt warrantee in Ascalon, adding to the slender dossier of Jews in a city placed on the “frontier” of the rabbinic Land of Israel, Sivan, *Palästine*, 248–9.

²⁰⁰ The buried objects are thus interpreted by H. Albeck, *The Mishnah, Teharot* (sic), 179.

²⁰¹ *nefalim*, M Nid 7.4.

extremes were likely a major source of death at every age. Healing, at least in Galilee, was allegedly available through immersion in the Great Sea (*yam gadol*, the Mediterranean) or the waters of Tiberias.²⁰² Pondering why children, especially boys, died young, no agreement was reached among rabbis regarding a single cause of death. Among the many reasons listed, domestic dissension was considered especially responsible for causing a man's wife to abort and sons and daughters to die young (*ketanim*).²⁰³ The loss of children was counted as a specific Jewish calamity, as well as the outcome of parental misdemeanor.²⁰⁴

Jewish funerary customs, as codified in the tractate on mourning ("Semahot"), suggest that minute attention was paid to children's funerals.²⁰⁵ Funerals were occasions that reflected on the deceased and the dead child's family, as well as on the moral and civic values of the society left behind.²⁰⁶ Efforts to curtail extravagant grief may have proved futile:

No one save the relatives of the dead may rend their garments and bare their shoulder and be given the food of the mourners which must be consumed while reclining on upright couches [and not on turned up couches as is usually done during the period of mourning]. One does not take [food items] to the house of mourning arranged on a plate or a salver or a flat basket but in regular baskets. Nor should the "blessing of mourning" (*birkat avelim*) be pronounced during the funerary. Guests should stand in line and offer condolences (as soon as they return from the burial) and then go home. They may not set up the bier in the street lest it provokes lamentation, nor should the bier of females ever set down out of respect. Women may sing dirges during the feast but not clap their hands. (M MQ 3.7–8)

It is unclear whether these restrictions extended to funerals of children but there is no reason to exclude this possibility.

Parental grief is well attested, although modern scholarship has cast a doubt on its scope and sincerity.²⁰⁷ How, precisely, the exceptionally high rate of mortality of children shaped family attachments is difficult to assess.²⁰⁸ Funerary inscriptions rarely reflect the full size of the grieving

²⁰² PT Shab 14.3. ²⁰³ BT Shab 32b–33a. ²⁰⁴ Sifre Deut 43; Tropper, 319–20.

²⁰⁵ This chapter; Cf. R. Hachlili, *Jewish Funerary Customs Practices and Rites in the Second Temple Period* (Leiden 2005).

²⁰⁶ A. Corbeill, *Nature Embodied: Gesture in Ancient Rome*, 68; V. Hope, *Death in Ancient Rome: A Sourcebook* (Abingdon 2007), 85–127.

²⁰⁷ S. Valler, "Grief over the Death of Children," in eadem, *Sorrow and Distress in the Talmud* (Boston 2011), 187–237 for detailed study of narratives expressing silent sorrow and affection of sages who lost their children. On the question of parental affection, M. Golden, "Did the Ancients Care when their Children Died?" *Greece and Rome* 35 (1988), 152–63, ending on an inconclusive note.

²⁰⁸ Tropper, "Jewish Family," 321–6 summarizes scholarly opinions on parental affection and emotional investment in antiquity.

family and surviving siblings. In the searchable online database *Inscriptions of Israel-Palestine* (Brown University), 413 inscriptions contain the term “son/s” and 185 contain the term “daughter/s,” but only a few specify the age of the defunct.²⁰⁹ There is no way of breaking these down into children, adolescents and adults. Even when synagogue inscriptions refer to one’s children (*teknoi*), as do several Greek inscriptions from the late ancient synagogue at Sepphoris (fifth century), for example, it is unclear whether these were minors or adults. Perhaps the association of the father-donor with unnamed children hints at their tender age as well as at the father’s hope for continuity.

Similar anonymity descended on children buried in the largest Jewish cemetery in Palestine at Beth Shearim. The three sons of Rabbi Judan, son of Rabbi Miasha, for example, were interred without a name or an age (BS, III, 247, no. 22, Heb). Perhaps they died at the same time in an epidemic and were buried together. Alternatively, they could have died at different times, buried separately, and later their bones were collected and buried together.²¹⁰

The few surviving exceptions confirm the ubiquity of minimal information regarding children in the epigraphic record of Roman Palestine. We do not know why Atio, daughter of Rabbi Gamaliel, son of Nehemiah, who died at age twenty-two; and Ation, daughter of Rabbi Yehudah, son of Gamaliel, who died at age nine and a half, were accorded a relatively lengthy burial inscription. They shared a burial space and a grandfather. How they got along during their lifetime is unknown. They likely died at the same time, perhaps of the same cause. When an unnamed daughter of Rabbi Joshua and his wife Kyra Mega was buried the commemorative phrase selected, “May the memory of the just be blessed” (Prov 10:7) apparently pioneered a new commemorative vocabulary.²¹¹ Nor is it clear whether they were related to another youngster, a “Rabbi” Gamaliel, son of Rabbi Eliezer, who died at age seventeen and was also buried in Beth Shearim. Gamaliel’s title, one of the few “rabbis” attested epigraphically, has become a topic of inconclusive modern debate.²¹²

²⁰⁹ http://library.brown.edu/cds/projects/iip/results_zotero/.

²¹⁰ N. Avigad, *Beth Shearim* III, 241–3, no. 15, 247–8 (Heb).

²¹¹ Avigad, 250 (late second-early third century); see also B.-Z. Rosenfeld, “Rabbi Joshua ben Levi and his Wife Kyra Mega: Interpretation of Inscriptions from Beth Shearim,” *Cathedra* 114 (2005), 11–36. The same formula appears in Hebrew on seven inscriptions from southern Italy, Noy, *JWE* I, 118, 120, 122, 131, 133, 137, 183, ranging in hypothetical dates from the third to the eighth centuries.

²¹² Avigad, *Beth Shearim*, 251; S. J. D. Cohen, “Epigraphical Rabbis,” *JQR* 72 (1981), 1–17; H. Lapin, “Epigraphical Rabbis: A Reconsideration,” *JQR* 101 (2011), 311–46.

Late ancient Palestinian inscriptions are terse when it comes to children, to age specification and to dates. In mixed cemeteries, such as the one in Zoora on the Dead Sea where Christians and Jews were buried side by side, Christian funerary formulae effected a change in the Jewish epigraphic realm. The majority of Zoora's Jewish inscriptions bear a date with a consistency unattested in other Palestinian localities.²¹³ Yet even at Zoora age specifications are all but absent.

In a Diaspora context Jewish funerary epigraphy provides poignant reminders of parental love for children. The bulk of the evidence comes from the city of Rome where Jews, like their non-Jewish neighbors, erected funerary monuments to mark the untimely passing of their beloved young.²¹⁴ Irene's adopting parents commemorated her brief life (she died when she was just over three and a half years old) by acknowledging her precocious conversion to Judaism.²¹⁵ The outpouring of love and grief of Theodotus, foster father of the four-year-old Justus, reflects a depth of sentiments rarely recorded in rabbinic discussions of childhood:

Justus, my child, if only I who reared you could place you in a golden coffin! Lord, grant an everlasting peaceful sleep, to Justus, an infant incomparable in [observing your] Commandments. Here I lie, Iustus, aged four years and eight months, dear to my foster father. Theodotus, the foster father [erected this] for his dearest child.²¹⁶

A drawing of a menorah proclaimed the faith of the dead child. Jewish symbols often accompanied burials in addition to commemorative words. The tombstone of Judas, a child of seven months whose name alone reflected his faith affiliation, was decorated with Jewish symbols as though the family desired to dispel possible misunderstanding of Judas' affinities.²¹⁷ Parents expressed their affection for their departed children through terms of endearment and by attaching to the dead child titles which they either bore or would have borne had they lived. Children, too, spoke beyond the grave, as did Rufinus, a child of twelve, who defined himself as one "who loved his parents," as though sending them consolation beyond the grave.²¹⁸

²¹³ Sivan, *Palestine*, with further references.

²¹⁴ H. Leon, *The Jews of Ancient Rome* (Philadelphia 1960) (560 inscriptions); D. Noy, *Jewish Inscriptions of Western Europe 2. The City of Rome* (Cambridge 1995), total of 629. L. V. Rutgers, *The Jews of Late Ancient Rome* (Leiden 1995).

²¹⁵ Noy, *JWE Rome*, 489 (Villa Torlonia, third–fourth century); Hezser, *Slavery*, 132.

²¹⁶ Noy, *JWE II* 25 (Monteverde, third–fourth century); Hezser, *Slavery*, 133.

²¹⁷ Noy, 41; Leon, 348 p. 316. ²¹⁸ Noy, *JWE Rome*, no. 414.

Modern scholarship has traced a transformation of remembrance in late antiquity when inscriptions started to emphasize the dead child's equality with adults rather than the position of its family.²¹⁹ Such a shift may have been reflected also in Jewish inscriptions from the Roman catacombs which often contained references to the dead child's precise age at death and her/his faith, as did non-Jewish inscriptions from the city.²²⁰ About 35 percent of the Roman inscriptions include the age of the defunct at death and of these, sixty-eight commemorate the death of children and youth under twenty, with half (thirty-four) relating to children under five. Of these thirty-four, half were girls and half boys, but only six included a reference to the child's parents.²²¹ The absence of gender distinctions in infancy appears to defy conventional patterns of age-recording in the Roman catacombs, where a considerably higher percentage of males (56 percent) than of females (43 percent) received a reference to their age at death.²²² Predictably, as children matured, males received increasing attention and acquired greater visibility than females.

What happened to Jewish children after they died? A Talmudic tractate offered the following speculations:

With what do young children (boys only?) who die occupy themselves? It has been taught that an angel is appointed over them to teach them Torah, Mishnah, Halakot, and Aggadot as it is stated: *Whom shall one teach knowledge? And whom shall one make to understand the message? Them who are weaned from milk, them who are drawn from the breasts* (Isa 28:9). To what age does this apply? To children who die before the age of five or six and who have not tasted sin.²²³

Directed more at living relatives than at dead children, such speculations transferred the rabbinic life course from its earthly links to the child's heavenly abode. Mishnah Avot 4.21 charted a path of learning from age five

²¹⁹ J. Huskinson, "Disappearing Children? Children in Roman Funerary Art of the First to the Fourth Century AD," in *Hoping for Continuity: Childhood, Education and Death in Antiquity and the Middle Ages*, ed. K. Mustakallio et al. (Rome 2005), 91–103; J. R. Kreiger, "Remembering Children in the Roman Catacombs," in *The Oxford Handbook of Childhood and Education*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 615.

²²⁰ Kreiger, 611; Rutgers, "References to Age at Death in the Jewish Funerary Inscriptions from Rome," in idem, *The Jews in Late Ancient Rome*, 100–38.

²²¹ Statistics differ for the rate of commemorating children under ten, calculated by Rutgers, 112, table 2, at 32 percent for boys and 25 percent for girls.

²²² Rutgers, *ibid.*, 131, table 11. Note, too, that both figures diverge considerably from similar statistics based on an earlier corpus of Jewish inscriptions from north Africa (Teuchira) but are very close to similar figures from non-Jewish Rome.

²²³ Kallah Rabbati 9 (Soncino). On the date, D. Brodsky, *A Bride without a Blessing: A Study in the Redaction and Content of Massekhet Kallah and Its Gemara* (Tübingen 2006), 226f.

to fifteen that even death could not disrupt (above). Death was not a finality but a shift of learning spaces where a child, male it seems, continued to learn how to become a Jew.²²⁴

Summary

Childhood's vagaries began with an engaging image drawn from nature – a double birth, of children and of trees – an idyll that comes to an abrupt end with the appearance of the Romans. The fragility of this imagery highlights the uneven progression of childhood itself. In the Torah-centered culture that rabbinic literature aspired to promote and perpetuate, birth and text became the twin instruments of survival and revival.

The birth of a child symbolized the potential of happy continuity. Its untimely demise, whether by design or accident, brought forth the vagaries of Jewish childhood, especially in the province of Palestine, which experienced two major revolts in the first and second centuries and underwent relentless Christianization of the land in late antiquity. Spaces of childhood were projected in rabbinic literature as formative arenas where children learnt how to think of themselves as Jews. Much of the evidence points to both tenderness and violence in familial contexts, as well as to parental expectations of unquestioned filial obedience.²²⁵ But what about modes of gender acculturation? How were boys and girls taught about the opposition of the sexes and their distinct roles as Jews? Bowing to the natural and delineating the artificial, distinct rabbinic treatments of bringing up boys and girls converged on the paternal figure as the primary shaper of the contours of childhood.

²²⁴ The subject of children and death in antiquity has received ample attention, see, among many the volumes of *L'Enfant et la mort dans l'Antiquité I and II* (2010 and 2012).

²²⁵ J. J. Pilch, "Beat His Ribs while He Is Young" (Sir 30.12): "A Window on the Mediterranean World," *Biblical Theology Bulletin* 23 (1993), 101–13; Cf. Laes, *Children*, 149–63.

CHAPTER 3

Bringing Up Boys *Contemporary Father–Son Bonding*

I cared deeply that my son knows himself as Jewish – not just culturally, but be steeped in the traditions and rituals. His Bar Mitzvah last year – which was completely homegrown, eclectic, held in a church, led by a female Rabbi with whom we’ve become close, with readings from Coleridge and Hannah Szenes, as well as the whole congregation singing Leonard Cohen’s “Broken Hallelujah” with my son playing his ukulele and me on the piano – was one of the highlights of my life.

Adam Gopnik, “Bigger than Phil: When Did Faith Start to Fade”

A Roman School Exercise on Being a Dutiful Boy

My beloved son, take in my words. It is very great profit to listen to one’s father. So, above all, go to school early in the morning when the sky is just getting light. Dress yourself, put on your shoes, wash your face and go first to the Latin teacher . . . so that you may be able to be a man . . . for nothing is so necessary as learning. But if anyone hassles you, tell the teacher. Write, read, count, so that you may arrive at flourishing adulthood. To this, boy, respond: My honored father, take in my words. I have heard everything and stored it up in my memory. I acknowledge my great gratitude before god.

(Colloquium Harleianum, in *The Colloquia of the Hermeneumata Pseudodositheana* II, ed. Eleanor Dickey, 19–20)

A Rabbinic List of Paternal Duties Vis-À-Vis Sons

These are the obligations that a father must discharge vis-à-vis his son: he must circumcise him, redeem him, teach him Torah, teach him a trade, and marry him off. Rabbi Akiva adds that a father must teach his son how to float on water (i.e. to swim). What does circumcision entail? As it is written: *On the eighth day he shall cut off the flesh of his*

foreskin (Lev 12:3). Whence the redeeming obligation? As it is written: *You shall redeem the first of the sons born to you* (Ex 13:13). Whence the obligation to teaching the Torah? As it is written: *And you shall teach these [precepts] to your sons* (Deut 11:19). Teaching trade? Rabbi Ishmael said, as it is written: *You shall choose life* (Deut 30:19). This is what it means. Marrying him off? As it is said: *And you shall inform your sons and your grandsons* (Deut 4:9). When do you benefit from sons and grandsons? Only if you marry off your sons when they are minors (*ketanim*). Rabbi Akiva interpreted 'to float on water' on the basis of: *in order that you shall live, you and your descendants . . .* (Deut 30:19)¹

Much has been recently written on the formation of "Jewish male rabbinic identity."² A separate and no less prolific scholarly strand has identified the makeup of Jewish female rabbinic identity. In both cases it seems that Jewish men and women sprang into maturity *ex nihilo*, without apparently experiencing childhood. Moreover, because discussions of gender have largely, indeed exclusively, been based on writings by men, the centrality of everything male seems self-evident. Making Jews out of boys started on the eighth day after birth when the cutting of the penis complemented the severance of the umbilical cord. Reversing the maternal role began right away with the father playing the role of identity-giver.

To be born a Jew and male is an imperative with a legal definition. Although parentage is bilateral, rabbinically fashioned boyhood emerges as a continuous one-sided dialogue between fathers and sons.³ In the rabbinic concept of male childhood the language of obligations of fathers vis-à-vis sons, attuned to children's development, creates distance between mothers and sons. It is a discourse that promotes a unified code of upbringing which glosses over complexities by creating a single path of accessing full citizenship in a Jewish commonwealth.

From the beginning of life the body of boys was a subject of identification, starting with circumcision and continuing with ritual obligations which engaged the child's developing body. None of the obligations that tied boys to fathers and fathers to boys related to mothers nor were there qualifications that made mothers a central figure in their son's early life. Throughout, the language of paternal duties usurped the language of generation, as though once birth was complete the infant immediately

¹ PT Kid 1.7; Cf. T Kid 1.11; BT Kid 29a; Mekhilta de-R. Ishmael, Bo para. 18; Mekhilta de-R. Shimon ben Yohai, Yitro 20.10; Sifra, Emor. 1.7. M Kid 4.14, in the name of Rabbi Nehorai, discounts teaching sons a craft/profession in favor of teaching them only Torah.

² For the phrase, Rosenblum, *Food and Identity*, 182.

³ M Kid 1.7 specifically enjoins fathers and not mothers to fulfill the obligations listed in PT Kid. 1.7.

passed into an exclusive paternal domain where children became the docile recipients of Torah and Commandments.

In this chapter, I examine rabbinic configurations of boyhood. Using the list of paternal duties (above) as a point of departure, I investigate the ways in which a Jewish child acquired an ineradicable male identity.

Circumcision: Reversing Maternity

Biblical and Post-Biblical Precedents

Two striking images of infancy, both etched in the Exodus narrative, dramatized the dependence of male babies on maternal matter. In Egypt of the Exodus only female neonates could live, while male neonates were doomed to extinction (Ex 1). When a family encased an infant (later called Moses) in a casket which they dispatched unto the Nile (Ex 2:1–2), a local princess came to the rescue in an all-female operation that culminated in the reunification of the baby with the breasts of his birth mother.⁴

There is no reference in the biblical tale of Moses' infancy to circumcision although the exposure occurred when he was three months old. The Genesis command issued generations earlier to Abraham to circumcise all males on their eighth day of life had threatened transgressions with extinction (Gen 17:10–14). In Exodus' Egypt, where Pharaonic law doomed Hebrew baby boys to die at birth, the original call of Yahweh to circumcise all males had been apparently all but forgotten. Or was it too dangerous to apply?

Suddenly and unaccountably, Moses' own son was circumcised. The circumcising agent was not his father but the infant's mother, the Midianite Zippora. She accompanied her action with the memorable phrase: "*You are my bridegroom of blood*" (Ex 4:25). Her child, whose age is not disclosed, and Abraham's two sons, Ishmael and Isaac, are the only biblical protagonists who underwent the distinction of circumcision in childhood.⁵

⁴ Zlotnick-Sivan, "Moses the Persian?"; Sivan, "Moses' Infancy." B. S. Childs, "The Birth of Moses," *Journal of Biblical Literature*, Vol. 84 (1965), 109–22. For visual translation of Exodus imagery, Chapter 7. On biblical maternity, or rather its absence from biblical narratives, Sivan, *Between Woman, Man and God*, passim; and Zlotnick-Sivan, *Dinah's Daughters*, passim.

⁵ Ex 4:25 specifically alludes to the child as "her son." According to Gen 17:25–6, Abraham was 99 and Ishmael 13 when they were circumcised. On circumcision as a sign of distinction and self-identification, M. Thiessen, *Contesting Conversion: Genealogy, Circumcision, and Identity in Ancient Judaism and Christianity* (Oxford 2011), passim, suggesting a rigorous system of registration of birth and circumcision.

In the wake of the two biblical scenes of circumcision in Genesis and in Exodus, circumcision became the defining act that posited filiation, unifying diversity under the single sign of masculinity.⁶ It placed the circumcised child within familial and genealogical bonds in which fathers and sons, and all male generations were entangled. With circumcision an eponymous Jew was born. It was a performance that created a disparity between males and females and between Jews and non-Jews.

Ancient accounts, Greek and Roman, refer to detractors and defenders of the practice, gentiles who mocked the Jewish masculine member and Jewish mothers who were willing to risk their lives to have their sons circumcised. In a gory tale of maternal defiance of a royal Seleucid ban on circumcision, a mother was paraded naked with her circumcised baby hanging over her breasts before both were killed.⁷ In Hellenistic Jerusalem, however, there were Jewish men who resorted to epispasm, a procedure which reversed circumcision.⁸ The measure became a hallmark of the desire to “hellenize,” to resemble gentiles and to adopt their ways.⁹ By contrast, a circumcised male became the reminder of a superior orthodoxy heightened by tragedy and martyrdom.

The biblical myth of a mother circumcising her son to avert his death made a comeback in Hellenistic Judaea (second–first century BCE). Adversity elevated male circumcision to the rank of a litmus test of a true Jew. Once victorious, the Hasmonaean rulers of Judaea forcibly

⁶ Although, as was recognized long ago, circumcision was hardly a feature unique to Judaism. For recent contributions, D. L. Gollaher, *Circumcision* (New York 2000); R. G. Hall, “Circumcision,” in *The Anchor Bible Dictionary*, ed. D. N. Freedman (New York 1992), I, 1025–31; *The Covenant of Circumcision. New Perspectives on an Ancient Jewish Rite*, ed. E. Wyner Mark (London 2003); J. M. Lieu, *Jewish Identity in the Jewish and Graeco-Roman World* (Oxford 2004); N. Rubin, *The Beginning of Life: Rites of Birth, Circumcision, and Redemption of the First Born in the Talmud and Midrash* (Tel Aviv 1995), 77–121 (Heb); A. Tuchman, “Circumcision,” in *Anti-Semitism, A Historical Encyclopedia of Prejudice and Persecution*, ed. R. S. Levy (Oxford 2005), 128; S. Weitzman, “Forced Circumcision and the Shifting Role of Gentiles in Hasmonaean Identity,” *HTR* 92 (1999), 37–59; S. J. D. Cohen, *Why Aren’t Jewish Women Circumcised?* (Berkeley 2005); N. E. Levesey, *Circumcision as a Malleable Symbol* (Tübingen 2010), for collection of sources between the second century BCE (1 and 4 Macc., Jub) and the first century CE (Philo, Josephus, Paul); E. Lipinski, “Circumcision in Antiquity,” *Studia Judaica* 12 (2009), 351–67.

⁷ 1 Macc 1.60–61; Cf. 2 Macc 6.10 where the women are publicly paraded with their newly circumcised babies hung at their breasts before being hurled down the wall; and 4 Macc 4.25.

⁸ R. G. Hall, “Epispasm. A Circumcision in Reverse,” *Bible Review* (August 1992), 52–7. Cf. the instructions of Soranus, the medical writer trained in Alexandria and writing in Rome, to remedy the absence of a foreskin in case of male neonates, *Gynaecology* 2.34, with G. Clark, “‘In the Foreskin of Your Flesh’: The Pure Male Body in Late Antiquity,” in *Roman Bodies. Antiquity to the Eighteenth Century*, ed. M. Wyke and A. Hopkins (Rome 2005), 44.

⁹ Cf. epispasm as a measure of Romanization in the early second century CE when the Palestinian Talmud (PT Yev 8.1) registered the practice in the days of Bar Kokhba, adding that these men underwent (re?) circumcision and, as their reward, bore sons and daughters.

circumcised all the boys whom they found within the “borders of Israel.”¹⁰ The war over the genitals of male babies continued to rage when Paul spread his mission. Abraham’s belated circumcision became an ambiguous act, a simultaneous appeal to both the circumcised and the uncircumcised (Rom 4.1–3, 9–13).¹¹ In first-century Alexandria, Philo presented circumcision as a promoter of purity through the excision of superfluous pleasure and conceit and as an ideal conveyer of fertility.¹²

Rabbinic Interpretation of Circumcision

Rabbinic narratives of persecution of Jews by imperial powers invariably included a ban on circumcision:

One time a decree was issued [by the wicked kingdom=Rome] that [Jews] should not study the Torah, nor circumcise their sons, and that they should profane the Sabbath . . . They [the Jews] went and demonstrated at night clamoring: Are we not your brothers? Are we not all children of one father and one mother? Are we so different from every nation and language that you issue such harsh decrees against us? The [the Romans] then annulled the bans and the day was commemorated as a festival (*yom tov*).¹³

The historicity of this decree against Sabbath and circumcision is difficult to ascertain. Whether this measure annulled a previous prohibition is unclear.¹⁴ A single Roman juristic opinion on the subject, dated to the reign of Antoninus Pius (137–60 CE), endorsed circumcision as long as it was limited to members of the same religion. The sweeping denunciation of Torah study, of maintaining the Sabbath and of circumcision, defined Jews, according to Roman imperial standards, by their negative relationship to their environment already at birth. Concealing the particularism of circumcision, Jewish protesters of the triple ban reminded the Romans that

¹⁰ 1 Macc 2.46.

¹¹ L. A. Hoffman, *Covenant of Blood. Circumcision and Gender in Rabbinic Judaism* (Chicago 1996) 111–35, esp. 114 on this passage.

¹² *De Spec. Leg.* 1.4–7, Cohen, *Why Aren’t*, 61, equating the newly shaped reproductive organ with the heart, thus bringing together the external mark of manliness with the body’s innermost organ.

¹³ BT Rosh Hashana 19a with parallel in BT Taanit 18a, where the issuing authorities are the “kings of Greece,” V. Noam, “The Scholion to the Megilat Ta’anit. Towards an Understanding of its Stemma,” *Tarbiz* 62 (1992–1993), 80–3 and 97–9 (Heb). On this passage and its parallels, R. Kalmin, “Rabbinic Traditions about Roman Persecution of the Jews: A Reconsideration,” *JJS* 54 (2003), 21–50, esp. 24–33.

¹⁴ D 48.8.11, A. Linder, *The Jews in Roman Imperial Legislation* (Detroit 1987), 99–102. See also E. M. Smallwood, “The Legislation of Hadrian and Antoninus Pius against Circumcision,” *Latomus* 18 (1959), 334–57 with eadem, “Addendum,” *Latomus* 20 (1961), 93–6; and W. Eck, “The Bar Kokhba Revolt: The Roman Point of View,” *JRS* 89 (1999), 76–89. Chapter 8.

all humans were children of one father and one mother, words that cast children as symbols of the commonality of parentage.¹⁵

In rabbinic hindsight, circumcision was the very core of the covenant between God and Israel.¹⁶ Yet mothers were no longer called upon to perform their son's circumcision. Their participation was limited to fetching a flint.¹⁷ Circumcision became a rite of the symbolic passage from the maternal womb to paternal domain. The troubling biblical expression "*bridegroom of blood*" was safely laid aside, effectively cut by the knife that removed the foreskin of male infants. Teasing the biblical terseness on the subject, one rabbinic commentary went so far as to claim that several biblical dignitaries had been born already circumcised.¹⁸

To live in a Jewish household meant sharing a space with sick infants, children-slaves and adopted children whom the householder brought up as his own. Already at the start of life, sickness could affect not only the date of the circumcision but also the food which the baby was allowed to consume:

A sick infant (*katan*) is not circumcised till he recovers. Samuel added: Even if he is seized by fever during a single hour one must postpone its circumcision by a month. Should he then be fed during those thirty days from the milk designated as *trumah* (heave offering) and his body oiled by ointment likewise set aside as a *trumah*? After all he remains uncircumcised (*arel*) and hence he cannot share in the heave offering . . . Rabbi Acha ruled that yone is forbidden (to share food designated for heave offering allocation) only from the eight day (till his circumcision). (PT Yev 8.1)

Anyone who wished to adopt an abandoned child had to consider whether they wanted to bring the child up as a free or bonded member of the family and as a Jew or a gentile. The Mishnah only considered whether a child was found abandoned in a city where the majority was Jewish or gentile.¹⁹ The Palestinian Talmud considered the purpose of

¹⁵ BT RH 19a.

¹⁶ M Ned 3.11. Cf. the idea that the circumcised bodies of men are an image of the pure Jewish community as articulated in L. Archer, "Notions of Community and the Exclusion of the Female in Jewish History and Historiography," in *Women in Ancient Societies. An Illusion of the Night*, ed., eadem et al. (London 1994), 53–69.

¹⁷ BT AZ 27a. See, however, the dispensation given to a mother not to circumcise her child after losing two sons during circumcision, Chapter 2.

¹⁸ ARN A 1.2 a list including Adam, Seth, Noah, Shem, Jacob, Joseph, Moses, Balaam, Samuel, David, Jeremiah, Job and Zerubabel, with Cohen, *Why Aren't*, 24.

¹⁹ M Makh 2.7. See Chapters 2 and 5.

the adoption in light of two bodily rituals: immersion as purification rite and circumcision:

Rabbi Hezekiah said in the name of Rabba: [regarding a child who is found abandoned]. If he was immersed as a slave, he is circumcised as a slave. If immersed as a freeborn, he is circumcised as a freeborn.²⁰

Further controversy focused on three classifications: children born with already circumcised genitals, persons who had undergone epispasm and proselytes who had been circumcised prior to conversion. In all three cases it was “still necessary to draw a drop of blood as mark of the covenant” (PT Yev 8.1).

Celebrating Circumcision

Festivities linked with circumcision were a grand affair in rich homes to which people were invited from afar. Two reports of such a celebration, one placed in pre-70 Jerusalem, the other in Galilean Sepphoris in the third century, point to a peculiar mixture of communal gaiety and intensified social divisions. The first is cast as a reminiscence of a sage, Elisha, son of Avuya, a man notorious for betraying rabbinic values. His circumcision was a lavish affair, an occasion that reflected the family's social and economic status:

My father, Avuyah, was a great man in Jerusalem. On the day of my circumcision he invited all the notables of the city, settling them in one room, while allocating a different space to Rabbi Eliezer and Rabbi Joshua. Once the notable had been eating and drinking, they began to clap their hands and to dance. Rabbi Eliezer said to Rabbi Joshua: While they are occupied with these pursuits, shall we occupy ourselves with our pursuits? So they sat down and engaged in the words of the Torah, from the Pentateuch to the Prophets, and from the Prophets to the Writings. A fire descended from heaven and surrounded them. Avuya then asked them: My masters, have you come to set my house on fire? They replied: By no means! We were merely sitting and reciting the words of the Torah and the words were so full of joy just as they had been when given in the Sinai, surrounded by flames as it is written: *the mountain was blazing up to heaven* (Deut 4:11). My father said to them: My masters, since the power of the Torah is so great I will dedicate my son to it if he stays alive.

²⁰ PT Yev 1.8 (I inverted the order of the sugyot). On the significance of immersion as a crucial complement of *giyyur* (conversion), Z. Zohar and A. Sagi, *Transforming Identity. The Ritual Transition from Gentile to Jew* (London 2007).

Because Elisha's father's intention was not for the sake of heaven (but rather to ensure the child's survival) the study did not stick with his son. (PT Hag 2.1)²¹

The story, ostensibly a straightforward account of a feast celebrating one portal of male Jewishness, traces out different receptions of the event, ranging from outward manifestation of conventional partying to a defiant delving into study amid the party's clatter and noise. There is something incongruous in the self-imposed isolation of the invited rabbis who elected to separate themselves from the feasting crowd. Their behavior paradoxically anticipated Elisha's own path to apostasy via the Torah itself. Paternal attempts to appease the two separatist rabbis were deemed insincere and consequently damaging and the dialogue between father and rabbis sealed the subsequent fate of the newly circumcised.

That the celebration of the child's eighth day on earth could acquire a meaning well beyond the immediate circumstances clarifies the symbolism of circumcision. It was an act of a double creation, of an infant as a Jew and, in Elisha's case, of a baby destined, as an adult, to perpetually vacillate between the allure of gentile poetry and the attraction of the Torah. His ultimate choice to turn away from the Torah, according to this vignette, had been inevitable, made already in the earliest infancy.

Nearly two centuries after Elisha "recalled" his circumcision feast, a man of Sepphoris used the circumcision feast of his son to display in public his joy and his means. The celebrants included a rabbi who, like Avuya's two rabbinic invitees, dispelled hilarity with an uncalled-for sobriety:

Once an eminent man of Sepphoris celebrated the circumcision of his son. The men of Ein Teenah came up to honor him and Rabbi Shimon bar Halafta (early third century CE) with them. When they arrived at the town's gate they heard nearby the sound of children (*talya*) playing in front of a house. The children saw Shimon, who was a good looking man, and shouted: You will not move from here until you dance for us. He replied: I am an old man and you should not expect this from me. He further railed at them but they were neither frightened nor cowed. Shimon then saw that (their) house was about to collapse and said to them: Go and tell the owner of this house that if he is asleep he should wake up because the beginning of a sin is sweet but its end is bitter. At the sound of voices outside the owner woke up, came out, and fell at the rabbi's feet saying: My master, I beg you to ignore the children's words. They are young and foolish. The rabbi

²¹ On this narrative as a tale of origins, E. Yassif, *The Hebrew Folktale*, 119–20; as an editorial addition to the Elisha's cycle which deflects blame away from Elisha to his father, casting the Torah as the real hero of the tale, Goshen-Gottstein, *The Sinner and the Amnesiac*, 188–92. Chapter 2 on Elisha.

responded: What can I do for you now that your house has been condemned? I will wait till you bring out everything that you have inside the house. He did and the house collapsed.

Shimon and his companions then proceeded to fulfill the command of circumcision. The father of the baby gave them excellent wine to drink saying: Drink some of it and I trust that the Lord will grant me to offer you a drink at the wedding feast of my son. They responded: As you have brought him into the covenant, may you bring him to Torah and to the marriage canopy.

[At the conclusion of the festivities, Shimon left]. On his way home he encountered the messenger of men (i.e. angel of death) . . . Why are you looking so downcast? the rabbi asked . . . Because the child just circumcised had been fated to be taken away by me when he reaches thirty days old . . . but your prayers annulled the decree against him . . . ²²

Setting circumcision as a stage for inner tension rather than a joyful communal occasion seems an unacceptable contradiction. It is troubling because at the center of the narratives of celebration is a child fated to die prematurely or to grow up a rebel. Beyond the dramatic encounter between an angel and a rabbi lurked a real enough threat of death which babies faced at birth. Whether prayers averted tragedies is impossible to verify.

Instead of a tragic distortion, the story highlights accepted codes of behavior for children in public, contrasting moderation and propriety with playfulness and teasing of adults. Two adult paternal figures, the father of the cheeky children and the father of the circumcised boy, substantiate the dire results of provocation and the happy outcome of compliance. The narrative unfolds a polarized social hierarchy tilted between an eight-day-old baby entering the male world through circumcision and outspoken boys playing outside their home, and between an awakened and apologetic parent who failed to discipline his children and an irritable rabbi, as well as between a complacent father of a newly born male and a sage conscious of what is due to him. Even the angel of death is made to share these hierarchical sensibilities.²³

Throughout the story, a childish mood of challenging adults encounters the rigid social horizons where children should act only at the behest of

²² EccR 3.2.3 (trans. A. Cohen, *Soncino Midrash*), a midrashic compilation is dated to the seventh or eighth century, R. Kiperwasser, "Towards a Redaction History of Kohelet Rabbah: A Study in the Composition and Redaction of Kohelet Rabbah 7:7," *JJS* 61 (2010), 257–77.

²³ For a different interpretation of this passage, Hoffman, *Covenant*, 126–32 and R. Kiperwasser, "The Visit of the Rural Sage: Text, Context and Intertext in a Rabbinic Narrative," *Jerusalem Studies in Jewish Folklore* 26 (2009), 3–24 (Heb).

their elders.²⁴ To advocate this kind of society meant to forget that childhood possessed its own world of internal references. In the environment drawn by these episodes at Sepphoris, a provocative childish laughter resulted in undermining values and structures, moral and physical, while upholding values had the merit and the power to save baby boys. The gloomy lament over the destroyed dwelling was drowned in the jubilation that accompanied rituals of male passage from circumcision to Torah study to wedding canopy.

The juxtaposition of the two incidents involving children in Sepphoris provides a perfect opportunity to meditate on the rabbinic construction of society and on the place of children within this discourse. The rabbi is reluctant to join the dancing children; the children in turn become unwitting messengers of doom; the rabbi then calmly proceeds to share in the blessings uttered during the ceremony of circumcision of a baby who is doomed to die; a rabbinic prayer intervenes to prevent this destiny, reclaiming the baby for the desirable course of male childhood.

Not all feasts of circumcision ended so felicitously for the family of the week-old boy and the child itself. On one occasion the invitee, a meddlesome rabbi, kept arguing over who should have the honor of first entering the house of the celebration.²⁵ While the guests were debating, a cat bit off the baby's hand. An episode which started as a peculiar rabbinic comedy of manners ended in a tragedy. We know nothing of the life of that babe, assuming he survived the encounter with the cat.

Redemption of the First Born

The universal application of circumcision to all male babies charted a path of seemingly equal beginnings, yet patriarchal narratives brim with inversions of primogeniture and with younger sons usurping the rights of the eldest.²⁶ An acknowledgment of primogeniture entailed a ceremony based on the monetary redemption of the eldest born son in exchange for priestly blessings (Ex 13:2, 13; Num 18:16–17; Deut

²⁴ The encounter between the rabbi and the mocking young echoes the rabbinic presentation of the prophet Elisha and the little boys who taunt him on account of his baldness, BT Sotah 46b with C. E. Hayes, *Between the Babylonian and the Palestinian Talmuds* (Oxford 1997), 222 who notes the association of hair, specifically of forelocks, *blorit*, with children.

²⁵ BT BK 80a–b.

²⁶ On the troubles hi/story of switched primogeniture in the Hebrew Bible and beyond, especially the narrative of Abraham's two sons. R. Firestone, "Patriarchy, Primogeniture and Polemic in the Exegetical Traditions of Judaism and Islam," in *Jewish Biblical Interpretation and Cultural Exchange: Comparative Exegesis in Context*, ed. N. B. Dohrmann and D. Stern (Philadelphia 2008), 108–23.

21:16–17).²⁷ When the Temple stood (pre-70 CE), parents were expected to bring their eldest to Jerusalem, as did Joseph and Mary (Luke 2.22) on the thirty-first day of Jesus' life. The redemption ceremony served as a climax of month-long festivities that started with the child's birth, the "week of the child" and circumcision.

How a ritual so closely linked with Temple pilgrimage and priesthood continued beyond the destruction of the Temple is not entirely clear. Perhaps in a post-70 world its performance depended on finding a priest willing to undertake the ceremony in exchange for an updated redemption-value reflecting the family's means.²⁸ Around 200 CE the Tosefta (Bechor. 6.14) records a redemption procedure calculated to accommodate the needs of even the poorest among fathers. A father seeking to redeem his eldest-born son paid a priest but then reclaimed the money. Following this symbolic exchange, the son was considered fully redeemed. However, this priestly act of charity depended on the good will of the priest. By way of encouragement, the rabbis heaped praise on priests who returned the money as a gift to the needy.²⁹

The priest's diminishing role in the ceremony of redemption is reflected in a rabbinic rule, ascribed to a third-century Palestinian rabbi, and aspiring to clinch the role of the father as the sole agent of redemption:

R. Simlai once happened to be at a celebration of the redemption of a first-born son and was asked the following: Is it not sensible that the benediction of "who has sanctified us with his commandments and has commanded us the redemption of our son," should be said by the father, but that the other benediction of "who has permitted us to live to this moment in time," should be said by a priest since he is the one to derive material benefit from it? Or does the father say both, seeing that these constitute his religious duty (*mitzvah*)? R. Simlai consulted [colleagues] in the academy (*beit midrash*) and was told that the father is the one to say both benedictions. (BT Pes 121b)

Further modification took place in late antiquity, when the performing priest became responsible not only for conducting the ceremony but also

²⁷ A. K. Davis, "Israel's Inheritance: Birthright of the Firstborn Son," *Chafetz Theological Seminary Journal* 13 (2008), 79–94; on primogeniture and *pidyon ha-ben* see Rubin, *Beginning of Life*, 123–42 (Heb). Kessler, *Conceiving Israel*, 58–61, for rabbinic lore on the dislodging of Esau.

²⁸ N. Rubin, "Coping with the Value of Pidyon Ha'ben Payment in Rabbinical and Literature: An Example of a Social Change Process," in idem, *Time and Life Cycle in Talmud and Midrash* 65–89, on the transition from real amount to a symbolic sum, with BT Kid 29b. The employment of a priest to execute a pidyon was costly, certainly not within the means of every family. The amount apparently was constantly adjusted to reflect monetary fluctuations.

²⁹ Rubin, *Time and Life*, 79–87 on the ceremony with a priest in the central role.

for bringing with him silver and gold vessels. These represented the value of redemption, while the parent paid a minimal amount which was then distributed to priests and poor alike.³⁰ Apparently, various communities followed different forms of this biblical ritual, each striving to adopt and adapt the biblical commandment to its contemporary needs.

A lengthy passage in the Mishnah addressed other issues raised by the curt biblical command regarding redemption of the eldest. Who, exactly, was counted the eldest born in case of marriage with a woman who had children from previous marriage? What happened if the father died before redeeming the baby? How should one convert an amount specified in a sacred text in light of endless monetary fluctuations? These were not idle questions. The Bible allocated a double share of paternal inheritance to the officially recognized eldest but the legal context in which the rabbis operated ensured the equality of all sons regardless of their place in the order of births.³¹

A firstborn may be recognized as such in terms of [double portion of] inheritance yet not requiring [the payment] of the priestly redemption. There is also a first born who is deemed as such in terms of priestly redemption but not in matters of inheritance. Yet a third category is that of a child considered to be a first born along both inheritance and redemption, and a fourth category is a child whose primogeniture is not recognized either in terms of the requirement of redemption of the right of a [double share] of inheritance. (M Bech 8.1)

Each configuration was considered, including a child born to a man who married a woman who had already borne children to another man; a child born to a man who had several wives, or to a man whose wife bore twins, one of whom died within a month of its birth or their father died before primogeniture was established. Ultimately, the conclusion reached was that:

One may not commute the redemption price with slaves, bonds or land or through items which had been dedicated [to another purpose]. If he promised in writing five *selaim* to a priest the father must fulfil this obligation even though the child is not considered redeemed once the debt is paid (i.e. he has to discharge both debt and redemption fee). If the priest desired to give him back [the twice paid redemption money] he may do so but only as a gift. If a man had set aside the redemption money for his son but then loses

³⁰ Rubin, *Time and Life*, 84–6 on the Geniza fragments, which attest this custom in late ancient Palestine.

³¹ J. Rivlin, “The Firstborn’s Inheritance” in idem, *Inheritance and Wills in Jewish Law* (Ramat Gan 1999), 25–8 (Heb).

it, he is still responsible [to pay it] as it is said: *it shall be yours and you will indeed redeem* (Num 18:15). (M Bech 8.1)

Primogeniture, as well as abiding by the letter of biblical injunctions, could potentially pose problems beyond mere monetary matters, just as did biblical tales which consistently upended the birth rights of the eldest-born sons. In Genesis' patriarchal family, fierce battles raged over the acquisition or deacquisition of primogeniture and its concomitant advantages and losses. Nor were the privileges of the eldest-born boy a foregone conclusion. The order of inheritance was the subject of another tannaitic (Mishnaic) discussion, which aspired to organize the size of both paternal and maternal inherited assets without violating biblical rules. It was important, for example, to reconcile the inheritance right of sons and of male grandchildren in light of Numbers 27:8, which allowed daughters to inherit if there were no sons:

This is the rule: whoever has precedence in terms of inheritance his children inherit the first right of inheritance (M BB 8.2) . . . A male and a female [grand]child have equal rights in matters of inheritance (if there is no son). The eldest born male receives a double portion of the paternal assets but not of the maternal assets. Daughters are to be maintained from paternal assets but not from maternal assets. (M BB 8.4)

Straightforward as these rabbinic rules regarding inheritance may appear, paternal wishes had to be taken into account:

Whoever declares: Such and such is my eldest but he will not receive a double portion, or such and such is my son yet he will not inherit with his brothers, says nothing which is considered valid since he stipulated these conditions against Scripture. A man who, by word of mouth, divides his property among his sons unequally, giving more to one and less to another, or giving them a share equal to that allocated to his eldest born, his words are valid . . . A man who says: Such and such is my heir, but he has a daughter, says nothing that is valid since his words contradict Scripture. If he says: My daughter is my heir, but he has a son, he says nothing which is valid because this, too, contradicts Scripture. (M BB 8.5)

Paternal declarations regarding primogeniture in the case of a man who impregnated two women more or less simultaneously were generally held to be trustworthy. If a son commonly held to have been the eldest was suddenly declared by his father not to be so, rabbinic opinion trusted the father. But if a father declared as his first born a child commonly believed not to have been his eldest, rabbinic opinion discounted paternal assertions (M BB 8.6; BT BB 127b). Whether one may leave his assets to children

other than his own proved a bone of contention between two notable sages. Yochanan, son of Broka, espoused the right of those proven worthy of such a bounty while Shimon, son of Gamaliel, limited potential disinheritance of sons only to children found to have behaved improperly (rebellious?) (M BB 8.5).

Rabbinic modifications of biblical ground rules stemmed from a sense, widespread among Romans, that a father ought to ensure the interest of all his (male) children in the settlement of his property.³² Even daughters, at least in Roman law, could question the paternal decision to leave their brothers a substantially larger share. If a testator did not name all children in his will or explicitly disinherited them for bad behavior, sons or daughters could seek judgment in favor of breaking the will.³³ This sort of “undutiful wills,” to use Ulpian’s term (Dig. 5.2.1), could be disputed although the outcome of such a challenge was not necessarily a foregone conclusion.

Perhaps rabbinic flexibility regarding paternal inheritance echoed the “profusion of strategies for the transmission of property” familiar from Roman concepts of handling familial properties.³⁴ Perhaps it reflected a fundamental change in family structures.³⁵ Be that what it may, the biblical significance attached to primogeniture had waned somewhere along the fissure between biblical theories and the realities of a Temple-less Judaism.³⁶

Teaching Sons Torah and Commandments

At the heart of paternal obligations vis-à-vis sons, at least according to the rabbinic list of PT Kid 1.7, was the duty to teach the Torah.³⁷ Uniquely Jewish, this was a task performed solely between males. Unlike

³² Saller, *Patriarchy*, 164. ³³ D 31.34.6 with Saller, *Patriarchy*, 164.

³⁴ Saller, *Patriarchy*, 161–2: “Roman law of succession provided testators with a remarkable array of options in distributing their property, unstructured by conventions of primogeniture or ultimogeniture.” Ibid., 180: “perhaps the most important characteristic of the classical law of succession was its flexibility, which could be used to validate any number of patterns of devotion of property (though not primogeniture in a strict sense).” See also E. Champlin, *Final Judgments: Duty and Emotion in Roman Wills, 200 B.C.–A.D. 250* (Berkeley 1991), passim.

³⁵ J. S. Milgram, “Mishnah Baba Batra 8:5 – The Transformation of the Firstborn Son from Family Leader to Family Member,” in *Talmuda de-Eretz Israel: Archaeology and the Rabbis in Late Antique Palestine*, ed. S. Fine and A. Koller (Berlin 2014), 19–28.

³⁶ Although BT BB 12b still distinguishes between the *bechor* (firstborn) and *pashut* (an ordinary son) in matters of division of inheritance.

³⁷ On the Torah as the foundation of Jewish education in late antiquity, M. Hirshman, *The Stabilization of Rabbinic Culture, 100 C.E.–350 C.E.: Texts on Education and Their Late Antique Context* (Oxford 2009). See also Chapter 6.

circumcision or redemption, which were discharged once in the life of a child, the teaching/learning of Torah had no finite chronological boundaries.³⁸ Like circumcision and redemption, it was considered a paternal religious duty (*mitzvah*) which, if the father failed to fulfill, the son himself was expected to implement.³⁹ In order to attach age to this paternal obligation, midrash pondered the nature of infancy by linking the list of paternal duties outlines in M Avot 5.21 and in PT Kid 1.7:

When you come to the land and plant all kinds of trees for food, you shall then hold their (first) fruit as forbidden (orlah). For three years it must not be eaten. In the fourth year you will dedicate all their fruit for rejoicing in the Lord. In the fifth year you may eat of their fruit so that their yield will increase for you, (Lev 19:23–5). These verses speak of a child (*tinok*). The three years of *orlah* are those that he can neither talk nor converse. In his fourth year his father dedicates him to the Torah as soon as the child can praise the Lord. In his fifth year he starts reading in the Torah. Hence our sages declared: age five to the Torah, age ten to mishnah. Because in this world a man births a son, takes him to school (*beth sefer*), and toils with him while teaching him Torah . . .⁴⁰

During the first three years of life a boy is not quite a Jew. The biblical term used to describe forbidden fruit, *orlah*, also denotes the state of non- or pre-circumcision. Once “dedicated” at age four and introduced to the biblical text at age five, the child embarked on the path leading to full participation in communal rituals, above all in regular Torah-reading in the synagogue.⁴¹

Such a neat scheme did not, however, apply to every child. Because not every child had a father either capable or willing to abide by the rabbinic list of paternal duties, it was vital to consider an order of priorities and its impact on the father–son relationship.

³⁸ No list of paternal duties is accompanied by age specification, none provides a starting age comparable to those of M Avot 5.21, which omits the agent/s of teaching, Chapter 2. On the uniqueness of the duty to teach sons the Torah, I. Z. Gilat, “The Paternal Duty to Teach Children Torah,” *The Review of Rabbinic Judaism* 15 (2012), 112. On the passages listing paternal duty of teaching Torah, G. Stemmerger, “Einführung in die Tora-Pflichten eines Vaters aus Sicht der Rabbinen,” in idem, *Scripta Minora I* (Tübingen 2010), 38–53; and Stemmerger, “Kinder lernen Tora-Rabbinische Perspektiven,” in idem, *Scripta Minora I*, 54–68, especially on the links between Torah-study, purity and atonement. On the ever increasing cost of Jewish education and the concomitant transition from agriculture to trade, M. Botticini and Z. Eckstein, *The Chosen Few: How Education Shaped Jewish History, 70–1492* (Princeton 2012), *passim*.

³⁹ Mekhilta de Rabbi Ishmael, Pisha 18.

⁴⁰ Tanhuma Buber Qedoshim 14. Cf. the stages of a female child, M Nid 5.7, Chapter 4.

⁴¹ Hezser, *Literacy*, 452–63 on public and private reading, noting (p. 453) that although M Suk 3.10 exempted minors, women and slaves from reading the Torah in public, exceptions were made for precocious children.

[One is obligated] to learn Torah and to marry a wife. First he learns and then he marries. Rabbi Judah says: If he cannot sit [and study] without a wife, he first marries and then studies Torah. A man is obligated to study Torah and his son is obligated to study Torah. He is obligated to marry and his son is obligated to marry. The father's [duty of leaning and marrying] comes ahead of the son's. Rabbi Judah says: If his son is precocious (*zariz*) and the father kept the Torah, the son's duty of learning Torah comes ahead of the father's. There was a case of a man who desired his son to study Torah ahead of everything else. He made the child vow not to undertake any kind of labor. Rabbi Yossi, however, allowed the son to fill a bucket of water and to kindle a light for his father. (T Bekh 6.10)

Whether or not Torah study was the prime obligation of a Jew at any age and ahead of all other religious duties was a question that was never quite settled.⁴² Rabbinic literature studiously strove to place the Torah obligation above all other paternal obligations:

Rabbi Joshua was asked: May a man teach his son Greek? He responded that he indeed can, providing he does so at a time that is neither day nor night since it is written [about Torah study]: *And you shall meditate on it day and night* (Josh 1:8). Does this also imply that a father should not teach his son a craft (=profession) since Scripture instructs to meditate day and night? Rabbi Ishmael said: Craft is livelihood (as Scripture instructs) *and you shall choose life* (Deut 30:19). (Others explained the ban on learning Greek as a precaution against informants who, once they knew Greek, could communicate with the authorities to the detriment of fellow Jews). (PT Peah 1.1)

If Greek could have been approvingly shunned, the same could not be said about balancing Torah and craft. Nor was it ever clarified whether the introduction of educational reforms ascribed to Joshua ben Gamla in the first century, who was accredited with establishing schools in every town and village, abrogated paternal obligation to teach sons. Likely, such reforms offered a communal alternative to paternal teaching.⁴³

The parameters of the prescribed "Torah" to be taught to a child by his father vacillated. In the absence of a school curriculum, "Torah" could consist of Scripture, as well as oral law. Rarely were a father's pedagogical skills questioned or the children's own willingness and ability to engage in the study of difficult texts. M Avot 5.21 mandated the entry to the world of the Torah at age five, to the Mishnah at ten, and to the Talmud at fifteen. It said nothing about suitable teachers or guidelines. Rabbinically prescribed courses of study, as related in rulings ascribed to the rabbinic synod

⁴² BT Kid 29b; D. Boyarin, *Carnal Israel. Reading Sex in Talmudic Culture* (Berkeley 1993), 138–42.

⁴³ Gilat, 2012, 114; Hezser, *Literacy*, for full discussion.

of Usha (mid second century), lasted only till the boy's twelfth year (BT Ket 50a). Ideally, a teacher or a father would stuff a child with Torah study for six years, between the ages of six and twelve. Based on maternal wisdom, the Babylonian sage Abbaye suggested that learning should be launched with Scripture at six, to be continued with Mishnah at ten, culminating with twenty-four-hour fasting at thirteen for boys, and at twelve for girls (BT Ket 50a).⁴⁴ Whether the suggestion further implied approval of applying the same course of learning to girls is unlikely but unclear.

Children were crucial for the preservation and transmission of the Torah and its ever expanding exegesis. In a debate between two well-known sages, one sage boasted that had the Torah been lost he could have recreated it single-handedly through his remarkable dialectical skills. The other sage, Rabbi Hiyya, countered by stating that his efforts had been invested in ensuring that such a horror would not occur in the first place. To prevent this colossal loss, Hiyya applied himself to the production of scrolls of the Torah and the Mishnah as well as to their strategic distribution to young recipients capable of absorbing, retaining and disseminating the precious material. Here is how Rabbi Hiyya operated:

I go to a town (where there are neither schools nor teachers) and there I teach the (five books of the) Torah to five children (*yenuki*) and the six orders of the Mishnah to six children. Then I tell them: Until I return teach these to one another. This is my method of saving the Torah from oblivion. (BT BM 85b)

The method echoes a saying attributed to Elisha ben Avuya who asserted that:

When one learns [Torah] as a child (*yeled*) it is like applying ink to fresh paper. When one learns as an old man (*zaken*) it is like applying ink to a palimpsest. (M Avot 4.20)

Since the Bible is in Hebrew one may well ask in what manner did the language of Scripture and the language spoken at home or on the streets correspond to each other? Was the acquisition of Torah-text based primarily on mnemonics, with a child reciting without really understanding the meaning of the words? In the early fifth century, bishop Theodoret noted that among the Jewish communities of Syria, especially in Antioch and his own seat of Cyrrhus, Jewish children were initially educated in the language of the people among whom they lived, namely Greek and Syriac.

⁴⁴ Gilat, "Parental Duty," 114–15, 131.

Only as adolescents were they taught Hebrew in order to gain knowledge of Scripture.⁴⁵ In Roman Palestine the situation was no less complex since Greek, Hebrew and Aramaic were used separately and in tandem.⁴⁶ Should we, then, imagine a child growing up in the Galilee speaking Aramaic at home and with other children, hearing Hebrew in the synagogue where donors' inscriptions glared in Greek, and learning Greek from a private tutor if his father hoped that one day he may be enrolled in the city council?

Torah alone, however, even if memorized, was in itself insufficient to make a child a Jew. Performance of Torah-anchored commandments was equally central to the formation of a religio-ritual identity. Learning involved memorization and passivity. The execution of Torah commandments, the practical aspect of Jewishness, transitioned a child from the maternal to the paternal domain, from protection to self-sufficiency and from nourishment of the body to the use of the body as instrument of liturgical performance.⁴⁷ The task of introducing children to their obligations as Jews was shared equally between fathers and all adult Jews, "independent of family or other social connections."⁴⁸ Particularly, it behooved adults to avoid causing children to sin.⁴⁹

In the absence of an organized schooling system until at least the third century, home and streets, as well as the synagogue, became loci of children's induction to Jewishness.⁵⁰ Rabbinic emphasis on both Torah and commandments echoed Greek and Roman school texts (*progymnas-mata*), which were carefully designed to promote the "law" or traditional values as well as "practice" so as to drive home modes of unacceptable and acceptable behavior.⁵¹ Both rabbinic and patristic literature undertook an

⁴⁵ Theodoret, *Questions on Genesis* 61, text and translation in J. F. Petruccione and R. C. Hill, *Theodoret of Cyrus. The Questions on the Ocatateuch I* (Washington 2007), 124–5.

⁴⁶ S. D. Fraade, "Language Mix and Multilingualism in Ancient Palestine: Literary and Inscriptional Evidence," *Jewish Studies* 48 (2012): 1*–40*.

⁴⁷ M Sukk 2.8, Although BT Suk 28a seem to suggest that the measurement of a child's suitability depends on the age at which he begins to learn about a specific commandment, at times even years before he is obligated to observe it, I. Z. Gilat, "Halakhic Changes in the Interpretation of the Commandment to Educate a Child to Observe Commandments," *The Review of Rabbinic Judaism* 18 (2015), 80.

⁴⁸ BT BM 85a, Gilat, "Changes," 101 for the quote. ⁴⁹ Ibid., 90.

⁵⁰ Hezser, *Literacy*, 40ff., esp. 47–8, on the absence of a systematic elementary education in Jewish society. Cf. the neglect of Roman state apparatus to provide organized and systematic education, Laes, *Children*, 108.

⁵¹ M. Krauss, "Rhetoric or Law? The Role of Law in Late Ancient Greek Rhetorical Exercises," in *The Purpose of Rhetoric in Late Antiquity*, ed. J. Q. Puertas (Tübingen 2013), 123–37 who argues that the rabbinic emphasis on "classical Jewish law," namely Torah and commandments, amounted to both a programmatic education as well as to a literary opposition to the ubiquity and imposition of Roman law. But see Hezser, *Literacy*, 70, who accounts for the focus on the Torah as the primary and

endless, creative and multifunctional exegetical repetition of the biblical text which served a useful didactic function because of its adaptability to multiple levels of age and comprehension.⁵²

In the late first century, Josephus referred to a tradition that once every seven years, during the feast of the Tabernacles, the High Priest read the Law to the entire people, including children, women and slaves, who, he claimed, should become conversant with the laws and particularly with the penalties attached to their violation. In private, Josephus encouraged children (*paides*), presumably males only, to learn the laws as the very first subject of study so as to ensure their future felicity (JA 4.210–12). Rabbinic injunctions regarding paternal Torah-teaching delineated a domestic orbit of blatant inequality, since only boys were to be taught the commandments.⁵³ Moreover, the amalgamation of Torah study and commandments created an all-masculine zone where females acted as observers but not as participants.⁵⁴

Teaching/learning Torah bridged male generations. It contributed to fostering special relations not only between sons and fathers but also between grandsons and grandfathers as the following nicely illustrates:

Is the grandfather under this obligation [to teach sons the Torah]? Surely it was taught: *And you shall teach these to your sons* (Deut 11:19) but not to your sons' sons. How, then, do I interpret [the verse]: *And you shall make these known to your sons and son's sons* (Deut 4:9)? This shows that the verse applies to every father who teaches his son Torah and his son's son throughout all successive (male) generations . . . Why then does [the verse] state 'son's sons'? To show that it relates only to sons and not to daughters. Rabbi Joshua son of Levi said: Whoever teaches his grandson Torah it is as though he himself was present in the epiphany in the Sinai . . . Rabbi Hiyya son of Abba met Rabbi Judah son of Levi wearing a plain garment on his head and taking a child (*yenuka*) to the synagogue. He asked him: what is it that you are doing? He replied: [I do as] it is written: *You shall make these known to your sons and grandsons* . . . From that day onward Hiyya only ate meat after he [and his grandson] revised the school lesson nor did Rabba son of Rabbi Huna taste meat before he took his [grandson] to school. (BT Kid 30a)

exclusive reading and instructional material as a deliberate alternative to the Hellenistic focus on Homer.

⁵² K. Pollmann, "Exegesis without End? Forms, Methods and Functions of Biblical Commentaries," in *A Companion to Late Antiquity*, ed. P. Rousseau (London 2009), 258–69, on Christian exegesis.

⁵³ Stemmerger, "Einführung," 50–3, and Chapter 4.

⁵⁴ E. S. Alexander, "Women's Exception from Shema and Tefillin and How These Rituals Came to Be Viewed as Torah Study," *JSJ* 42 (2011), 531–79.

The process of teaching/learning Torah was not merely delving into the past through immersion, or rather memorization of the text. It was the primary means of familial inclusion and exclusion, solidifying male lines at the expense of female lines. Daughters became intruders. The childhood of boys was conceived as a period passed close to the paternal hearth and further nurtured by the presence of grandfathers.

Not all boys attended school. Perhaps only a small minority did. Not a few joined the labor market before they were introduced to Torah intricacies. When a young man in his twenties desired to study Torah, his father, who had clearly not adhered to the educational scheme advanced in rabbinic schools, urged him to marry and breed:

A story is told about Eliezer son of Hyrcanos (late first/early second century). He desired to study the Torah. His father employed many plowmen and he was among them. One day he sat and cried. His father asked him: Why do you cry? Are you regretting that you are now plowing a rocky ground? Come tomorrow and plow on furrowed ground. He came the next day and still cried. Why now? his father queried. Because I desire to study Torah. His father responded: You are eight and twenty and want to study Torah? Go and marry a woman and breed sons whom you can then take to school.⁵⁵

This is an apocryphal tale embedded in a series of similar tales about noted sages who “discovered” learning at a relatively advanced age, certainly beyond boyhood. Eliezer’s father, Hyrcanos, was reputedly a wealthy man who presumably had no cause to recruit his son as a laborer.⁵⁶ That he did so suggests that the (later) rabbinic emphasis on the inextricable link between childhood and Torah remained an ideal with limited circulation. Beyond producing a restricted paradigm which advanced learning at any age, the story indicates that even among affluent families not all sons learnt Torah, that by their late twenties they were expected to marry and to breed, and that only after fulfilling familial expectations of managing a business, marrying and producing heirs, was a young man at liberty to send his children (sons of course) to school. A third generation benefitting from the collective labors of two earlier generations?

⁵⁵ ARN B 13.

⁵⁶ J. Neusner, *Eliezer ben Hyrcanus. The Tradition and the Man*, 2 vols (Leiden 1973).

Ritual and Sexual Maturity or What Makes a Boy a Man

Of the moments that govern the birth of a Jewish child, circumcision and Torah (and commandments) simultaneously assumed the role of severing the son from the maternal womb, of offering a threshold to the distinct world of males and of sharpening the ever-yawning cleave between the masculine and the feminine, outsiders and insiders. At the heart of these separations was a vocabulary of ritual and sexual maturity that underlies distinct stages of boyhood, body and mind:

A male child (*katan*) who no longer needs his mother is obliged [to comply with performing the commandment of sitting] in a Sukkah (booth). A son who still requires maternal sustenance may go out only as far as the 'limits' designated by the mother's *eruv* food. For one who does not need his mother they prepare food for two meals for *eruv tehumin* (i.e. the extended boundaries of movement on the Sabbath). If a child is capable of waving a palm branch (*lulav*), he is obligated to do so. If he is capable of wrapping himself, he is obligated to wear a *tzitzit* (fringe). If he is capable of speaking, his father teaches him the Shema (prayer), and the Torah and the Holy Tongue (Hebrew). If not, he should not have been born in the first place. If the child is capable of guarding *tefillin* (phylacteries, boxes containing biblical and liturgical texts) his father procures *tefillin* for him.

*[How can it be verified (that the child is indeed capable of executing all these obligations:?)] They immerse him and [observe whether he can distinguish between] hullin (unconsecrated food) and terumah (a food item selected for priestly consumption). If he is capable of guarding his body [in cleanliness] they eat [the food that he has kept in a state of purity]. If he is capable of folding his garment (so as to gather grain) they allocate to him [a share of the terumah food] on the threshing floor. If he has the presence of mind to be questioned [and correctly answer queries relating to status of ritual purity], [he is to be trusted] with regards to status of a doubtful item that can be deemed impure in private domain and pure in public domain. If he knows how to slaughter, his slaughtering is valid (*kosher*).*

If he can eat a modicum of grain, they remove his excrement and urine four cubits [from the house]. If he can eat a modicum of roast meat, they slaughter a Paschal [offering] on his behalf. Rabbi Judah says: One does not slaughter the Paschal [offering] unless he realizes what food is. What does it mean? If he is given an egg, he eats it; if handed a stone, he discards it.

A female infant (*tinoket*) who sprouts two [pubic] hairs is obligated to fulfil all the commandments (*mitzvot*) of the Torah, whether she has to be a *holetzet* (i.e. releasing her brother in law from the obligation to marry her after her husband's death) or a *yevama* (marry the brother-in-law). Similarly a male infant (*tinok*) who sprouts two [pubic] hairs is obligated to fulfil all the commandments in the Torah. He is liable to be [judged] "a rebellious son". When he sprouts a full beard he is worthy of becoming a public prayer

leader, of passing before the ark, and of raising his hands [in benediction]. But he cannot share in the most sacred items of the Temple till he sprouts two hairs. Rabbi adds: even till he turns twenty, as said (Ex 3:8), *and they appointed Levites from the age of twenty and older to conduct the rituals of the House of the Lord*. (T Hag 1.3–4 Cf. M San 8.1)⁵⁷

These are tests of maturity, each marking a step closer to the goal of becoming a member in the exclusive community of *bona fide* Jewish males. In this enumeration, the holy days, Shabbat and festivals, form the crux of inclusion. At each step the emphasis is on discernment. A single verb is employed (which I translated variously as “capable” or “having the presence of mind” or “knowing”) to designate a boy’s mental and physical progression. Its root signifies “knowledge” (*da’at*).⁵⁸ In the tale of Adam and Eve, the term covers a semantic field that embraces the divinely planted tree of discernment (*da’at*) between right and wrong (Gen 2:17, 3:5). When the apple is eaten, the couple comes into possession of self-awareness and environmental perception (Gen 3:7). When the rabbis sought to scale a child’s developmental abilities, they promoted “knowledge” with its onomastic ambiguity as a key to a network of meanings that populates the zone between childhood and adulthood.

The Sabbath and Maternal Eruv

Early infancy was projected as the only stage during which a boy functioned within maternal spaces. His Jewishness depended on maternal familiarity with Shabbat’s regulations, which punctuated a child’s routine from birth.⁵⁹ Especially important in this connection was the food consumed on these holy days, not a morsel of which could be deposited in the hands of infants, the deaf-mute or the mentally disabled (M Eruv 3.2).⁶⁰

⁵⁷ Several of these provisions are countered in the Mishnah, such as M Ber 3.3, which exempts minors from the Shema and from Tefillin, together with women and slaves, or M Eruv 7.6 that excludes an eruv created through the agency of a minor son or daughter. M San 8.1 explicitly exonerates a minor from the definition of a rebellious son since a minor is not obligated, as yet, by commandments, further specifying that the definition of “rebellious” applies only to sons and not to daughters. M San 8.2–4 defines the threshold of obligation as the moment of transgressing dietary regulations, including imbibing Italian wine and stealing from parents. Moreover, parents must be unanimous in clamoring their son as rebellious.

⁵⁸ Abrams, *Judaism and Disability*, 130–9 on nuances of *da’at* as innate moral and cognitive insight consisting of a grasp over purposeful action, consent, opinion, temperament and social appropriateness, ability to ask and answer questions. Ibid., 163–8 on this baraita. Throughout, Abrams distinguishes between a minor who is a member of the trio of “a deaf-mute, mad and a minor” and one who is associated with women and slaves in matters of ritual purity, the former lacking “*data*,” the latter possessing it.

⁵⁹ See also Chapters 2 and 10. ⁶⁰ Chapter 5.

The passage from infancy to childhood and from the maternal to the paternal domain entailed an understanding of the Sabbath's geography of one's own habitat. The correct celebration of the holy day involved not just the domicile but also an extension of the sphere of Shabbat activities, or rather inactivity, into a temporary, commonly designated area through "mixing" (*eruv*).

Eruv is a loaded term. Its concept and application were instrumental in enlarging the definition of private space to include a common courtyard or alleyway through sharing a meal set aside for the Shabbat.⁶¹ By one rabbinic interpretation *eruv* was instituted as a process in which children acted as agents of environmental harmony:

And all the land has a single language (Gen 11:1). Why does a house need an *eruv*? . . . It was decided to introduce *eruv* into courtyards for the sake of neighborly peace. How come? Say a woman sends her son to a neighbor. The neighbor hugs and kisses the child. His mother then reflects that the gesture shows that the neighbor thinks well of her too. On account of *eruv*, then, the two women live in peace.⁶²

If, as has been maintained, *eruv* was intended to create a tightly knit Shabbat community, excluding but not completely cutting off Jews who did not adhere to Shabbat rules and gentiles who lived in the same neighborhood, the involvement of children as emissaries of Shabbat boundaries highlights a precocious introduction to notions of collectivities.⁶³ By crossing common courtyards, these food-bearing children bore the potential of uniting disparate households around a single imaginary Shabbat border. The implication of the previous passage is that a neighbor could not refuse a gift of food so charmingly presented by a child.

By these standards, a child's earliest signpost of maturity was measured by his detachment from the maternal *eruv*. T Hag 1.2 refrains from providing an age-gradation to mark the "freedom" from maternal aegis. One rabbinic

⁶¹ It is unclear whether the discussion of children and *eruv* extends to both boys and girls. Presumably both, since women were required to keep Sabbath rules as strictly as the ideal rabbinic male.

⁶² Tanhuma Genesis Noah 16.

⁶³ Note, however, the exclusion of the trio of the deaf-mute, the "mad" and the minor from being entrusted with the carrying of *eruv*, unless the recipient had been prewarned to expect these messengers, M Eruv 3.2 C. E. Fonrobert, "From Separatism to Urbanism: The Dead Sea Scrolls and the Origins of Rabbinic Eruv," *Dead Sea Discoveries* 11 (2004), 43–71; "The Political Symbolism of Eruv," *Jewish Social Studies* 11 (2005), 9–35, esp. 11 on the three types of *eruv*, sharing courtyards and alleyways, *eruv* of distance and of cooking; and Fonrobert, "Diaspora Cartography: On the Rabbinic Background of Contemporary Ritual Eruv Practice," *Images* 5 (2011), 14–25. See also D. Instone Brewer's commentary on M Eruv as communities for the Sabbath in *Feasts and Sabbaths. Passover and Atonement (Traditions of the Rabbis from the Era of the New Testament 2A)* (Grand Rapids 2011), 87–114.

opinion stipulated that a boy remained with its mother till he turned nine years and a day (PT Kid 4.11). Another (Rabbi Ulla, c. 300, Palestinian) indicated that at age six a boy still went out under his mother's *eruv*.⁶⁴ To confirm the integration of the child into the repetitive world of the Shabbat the boy's ability to act correctly within the spatial limits of Shabbat operated as a double confirmation of separation from the maternal domain and of the mediating role of rituals in bridging between boys and men.

Testing a Child's Coordination: Waving a Palm Branch (Lulav) on Sukkot

Participation in the rituals surrounding the Feast of the Booths (Tabernacles; Sukkot) was used to document another stage of sons' "eman-cipation" from maternal spaces.⁶⁵ The Mishnah exempted women and slaves from the rules relating to this feast, primarily the obligation to sit in the booth for a full week (M Suk 2.8). Boys, however, were obligated to abide by the rules attached to this feast such as swaying a palm branch (*lulav*) in a prescribed manner. The motions had to be carefully coordinated with the beginning and the end of prayers (M Suk 3.9; 3.15). Randomness was unacceptable. Nor was it a matter of mere bodily movements and a ready ear. Erecting a sukkah and waving the *lulav* were two important determinants of Jewishness.

The feast of Sukkot introduced the young to the series of festivals that punctuated the Jewish ritual year. Its decorated booths replicated the ephemeral desert homes of the years of the Exodus. Sukkot's four species (citron, willow, myrtle and palm-branch) represented the richness of the land promised by God to Abraham and his descendants. Standing for remembrance, these earthly elements reflected an unbroken link from biblical celebrations to visual defiance and struggles for self-definition. They were ubiquitous. During the first and second centuries, children in Roman Palestine could gaze at these symbols on coins minted during the Jewish rebellions against Rome. In third-century Dura-on-the Euphrates, children in the synagogue gazed at painted children on its walls celebrating the Exodus' sukkot, each holding aloft a palm branch. In late antiquity, Jewish children around the Mediterranean could marvel at the *lulav* and other familiar symbols etched into floor-mosaics in their communal synagogues.⁶⁶

⁶⁴ BT Ket 65b. See also Chapter 2. ⁶⁵ Chapter 8 for references.

⁶⁶ G. M. Fine, "Coins of Bar Kochba: The Temple Water Drawing Ceremony and the Holiday of Sukkot," *Israel Numismatic Research* 4 (2009), 83–93; and D. T. Ariel, "Identifying the Mint, Minting and Meaning of the First Jewish Revolt Coins," in *The Jewish Revolt Against Rome. Interdisciplinary Perspectives*, ed. M. Popovic (Leiden 2011), 373–94. Was the heightened importance

A *lulav* was an essential element in the close circuit in which the production of symbols aligned individuals with private and public spaces. An integral component of a feast that belonged to the annual cycle of Temple pilgrimages, the palm branch accompanied a Jew from infancy to the grave. Countless Jewish tombstones in Roman Palestine and the Diaspora portray a *lulav*. In synagogues ranging from Mesopotamia to North Africa, the palm branch, citron and candelabra (*menorah*) were routinely inserted into decorative schemes designed to evoke the Temple or the Ark of the Covenant.⁶⁷ So closely associated with Jewishness was the *lulav* that Roman imperial interdictions listed it among forbidden practices intended to undermine Judaism during eras of persecution.⁶⁸

Young boys and palm branches constituted an association complementing the household, a bonding that amounted to an official declaration of origins. Waving a *lulav* was “knowledge” invested in movement, an achievement which provided a satisfactory transition of boys into the realm of obligations (*mitzvot*) that bound men to their creed.⁶⁹ It was a symbol of a child’s personal “victory” in the field of rituals. It may be no coincidence that the palm branch resembled the thyrsus which was carried aloft in Greek triumphant parades.⁷⁰

Within the sukkah’s exclusively masculine realm an adult who needed the assistance of a child (*katan*) in reciting the Hallel (psalms) while shaking the *lulav* was seriously frowned upon.⁷¹ Even more galling was the vision of a twenty year old who needed the assistance of a ten year old in reciting the required prayer.⁷² A dispensation attributed to Rabbi Aha (early fourth century) that allowed a child to read the benediction for his

of Sukkot under Bar Kokhba in the 130s an indication of the date of its placing so high on the Tosefta list (T Hag 1.3) of the ritual gradations of childhood? The only authority named in the baraita (T Hag 1.3–4) is Rabbi, the redactor of the Mishnah (c. 200 CE). Chapters 6 and 7.

⁶⁷ R. Hachlili, *Ancient Jewish Art and Archaeology of the Land of Israel* (Leiden 1988); eadem, *Ancient Jewish Art and Archaeology of the Diaspora* (Leiden 1998), 381; S. Fine, *Art and Judaism in the Greco-Roman World* (2005), 140–5.

⁶⁸ T Sukk 1.7; BT Suk 14b; LevR 32.1 (Margalit, 735); Mekhilta, 227 (Horowitz and Rabin), with Kalmin, “Rabbinic Traditions,” 41, 48.

⁶⁹ B. Bokser, “A Minor for ‘Zimmun’ (Y Ber 7:2) and Recensions of Yerushalemi,” *AJS Review* 4 (1979), 1–25 on criteria of discharging obligations which did not depend on age but rather on the child’s ability to perform the relevant act.

⁷⁰ J. Tabory, *Jewish Festivals in the Time of the Mishnah and the Talmud* (Jerusalem 1995) (Heb), passim, and idem, “On Jewish Festivals. Reply to A. Oppenheimer,” *Zion* 61 (1996), 215–30, esp. 215–16 (Heb).

⁷¹ M Sukk 3.10 applies the rule to “a slave, a woman, or a minor.” Does this category-bonding hint at participation of women, slaves and minors in sukkot ritual festivities in spite of the apparent exclusion articulated in M Sukk 2.8? Note the different order and number of the two rules, the categorical exclusion using the familiar plural and order (women, slaves and minors) while the Hallel rule employs an unusual order and number (slave or woman or minor).

⁷² PT Sukk 3.11, with Abrams, *Judaism and Disability*, 162–3.

father was viewed with skepticism by those who could not contemplate a role reversal of this kind.⁷³

Tangible Mnemonics: A Tassel and Phylacteries

Attire and articulation were the twin pillars of a boy's initial transition from the domestic to the public domain. The ability to abide by the obligations of a tassel, a text and *tefillin* (phylacteries) introduced boys to synagogue service. At the threshold of enrolment in the (re)public of Jewish males stood the test of the *tzitzit*. Numbers 15:38–40 dictates the attachment of a fringe or a tassel (*tzitzit*) to the corners of garments as a mnemonic, a reminder of the need to fulfill the obligations issued in Yahweh's name. Such tassels were later (and still are) attached to prayer shawls as a mandatory item.⁷⁴ For some rabbis the *tzitzit*, single-handedly, outweighed all the other Torah obligations because it prepared the mind to contemplate a vision of the divine presence.⁷⁵

Nor did the rabbis shy away from threatening death for negligence of the *tzitzit* obligation. Speculating why children die young, one cause was linked with neglect of *tzitzit*, an assessment based on Jer 8:23, which refers to staining the fringe with blood, and on Zech 2:34, which delineates a vision of gentiles hanging on the fringes of a single Jewish male as a gesture of solidarity and shared belief. On the basis of Zechariah's optimism, conscientious *tzitzit* wearers were assured of owning 2800 slaves, who would serve at their bidding.⁷⁶

According to the Tosefta's outline of boyhood, the inculcation of Jewish male identity was further implemented through *tefillin*. Here, too, the Tosefta seemed to counter the Mishnah, which exempted minors, slaves

⁷³ PT Sukk 3.11, limiting the father to saying "Amen" after his child's recitation, thus avoiding the shame of the son teaching the father.

⁷⁴ For a readable introduction to these elements, A. P. Bloch, *The Biblical and Historical Background of Jewish Customs and Ceremonies* (New York 1980).

⁷⁵ *Sifre Numbers* 115, *Kabana*; BT Ned 25a; BT Men 43b; BT Shev 29a.

⁷⁶ BT Shab 32b. Cf. "For what sin do a man's children die young? R. Eliezer said: for the sin of [unfulfilled] vows . . . R Nathan said: for the sin of [neglecting] the mezuzah . . . Rabbi Nehorai said: for the sin of neglecting the *tzitzit*, as it is written: *In your skirts the blood of the souls of the innocent poor is found* (Jer 2:34, skirts = *tzitzit*). R Joshua said: for the sin of neglecting the study of the Torah children die young, as it is stated: *As you have forgotten the law of your God, I will forget your children* (Hos 4:6) . . . What should a man do so that his children will grow rich and prosper? Let him fulfill the will of God and the wishes of his wife" (MKallah 20) (Cf. EcclR 4.1) in M. Higger, *Seven Minor Treatises* (New York 1930).

and women from the practice (M Ber 2.3).⁷⁷ Tefillin could be worn on the chest, near the heart; on the forehead or on the arm.⁷⁸ They contained biblical excerpts from Exodus and Deuteronomy which exhorted the “children of Israel” to remember to whom they owed allegiance, and consequently the texts had to be produced by professionals since the correct lettering was crucial. One text, Deut 6:4–8 (the Shema prayer), enjoined fathers to continuously drum the Commandments to their own sons through written texts attached to the body (*tefillin*) and to one’s home (*mezuzah*).⁷⁹ Deut 11:13–21 instructed fathers to weave these commandments into their daily communications with their children at home. Tefillin served sons and fathers as a visual mnemonic triggering their duties and evoking the divine source of the commandments.

Two other *tefillin* texts, Ex 13:1–10 and Ex 13:11–16, dealt with primogeniture and with Passover, a combination that highlights the intimate intermingling of rituals surrounding the first born and the ceremonies of the first festival of the year (Passover). Both passages stressed the educational value of visual and audible mnemonics:

And if your son may ask you tomorrow: What is this all about? You will tell him: Wielding a strong arm, Yahweh led us out of Egypt from the house of bondage. And when the Pharaoh was recalcitrant to let us go Yahweh killed every first born in the land of Egypt, from the first born of humans to the first born of animals. This is why I sacrifice to Yahweh every first male born of my animals and this is why I redeem my own first-born son. Let it be a sign on your hand and a token on your forehead between your eyes, reminding you that wielding a strong arm, Yahweh led us out of Egypt. (Ex 13:14–16)

Adherence to these ordinances in Roman Palestine is reflected in the considerable number of tefillin-texts found in various caves of the Judean desert, all antedating the regulations redacted in the Mishnah and the Tosefta.

⁷⁷ Y. B. Cohn, *Tangled Up in Text. Tefillin and the Ancient World* (Brown Judaic Studies 351) (Providence 2008), esp. 3–32 on prior scholarship and 118–21 on children. See also Y. Adler, “The Content and Order of the Scriptural Passages in Tefillin. A Reexamination of the Early Rabbinic Sources in Light of the Evidence from the Judean Desert,” in *Halakhah in Light of Epigraphy*, ed. A. I. Baumgarten et al. (Göttingen 2011), 205–29, emphasizing the lack of uniformity, especially with regards to the inclusion or exclusion of the Decalogue. Cohn links tefillin with apotropaic properties, i.e. magical-protective function, not unlike popular amulets known to have been widespread in antiquity.

⁷⁸ PT Ber 2.3; M Meg 4.8; PRE 21.

⁷⁹ On the Shema, R. Kimelman, “The Shema Liturgy: From Covenant Ceremony to Coronation,” *Knishta. Studies of the Synagogue World* 1 (2001), 9–105.

The Tosefta depicted a Jew as a man who donned tefillin on both his head and arm, and affixed a *mezuzah* on his doorpost (T Ber 6.25). From childhood, then, the body and the house that a Jew inhabited proclaim one's religious identity.⁸⁰ It was even believed that tefillin had the power of lulling a child to sleep, as though they radiated tranquility.⁸¹

One rabbi was reputed to have never removed his *tefillin*.⁸² The centrality of this tiny box or capsule containing sacred texts was further reflected in the rules relating to public bathing and toilets. Only in the sections where nakedness prevailed one was expected to remove his *tefillin* (T Ber 2.20). Strict rules governed the relations between a body needing to relieve itself and the precious *tefillin*. A disagreement whether one should keep *tefillin* with him upon entering a public toilet, or leave them at a distance while relieving himself, would have been resolved in favor of the former but for an instructive narrative of the fate of a temporarily abandoned *teffilin*: once a prostitute grabbed the *tefillin* left by one pupil (*talmid*) in a hole outside the toilets. She brought it to his school (*beth midrash*) and claimed that he gave it to her as a payment for her services. Shamed, the pupil climbed the roof and jumped to his death (BT Ber 23a). One wonders about this well-informed sex worker who was willing to receive a box with prayers instead of currency, an exchange that corroborated the apotropaic value invested in tefillin.

Paternal Textual Obligations: Teaching the Shema, the Torah and Hebrew

Neatly wrapped in a garment with a fringe (*tzitzit*), a Jew (m.) was obligated, on a daily basis, to recite specific prayers, above all the Shema, whether in private or public.⁸³ Without directly countering the Mishnah, the Tosefta paved an alternative road to integrating boys by setting aside precise age categories in favor of visible and audible manifestations of maturity. Paternal judgment, rather than biological age, determined the moment of a child's entry into the scene of prayer. What mattered was the

⁸⁰ On these tokens as apotropaic instruments, M. bar Ilan, "The Writing of Torah Scrolls, Tefillin, Mezuzot, and Amulets on deer Skin," *Beth Mikra* 30 (1984–5), 375–81 (Heb); and idem, "Magic seals on the Body among Jews in the first Century," *Tarbiz* 57 (1987–88), 37–50 (Heb).

⁸¹ PT Shab 6.2.

⁸² PT Ber 2.3 with A. M. Haberman, "On the Tefillin in Ancient Times," *Eretz Israel* 3 (1954), 174–7 (Heb). See also PT Shab 2.7 on the significance of tefillin on the deathbed and BT San 68a on tefillin as symbol of sanity.

⁸³ Deut 6:4–9; M Ber 1–3. The significance of the Shema and of *tzitzit* is once again reflected in the near canonic list of the components of Judaism targeted in eras of persecution, Kalmin, "Rabbinic Traditions," *passim*.

child's coordination of limbs and mastery of language. The instruction issued to fathers to teach the Shema, the Torah and Hebrew to sons recognized and endorsed the intimate link of ritualism that tied boys to fathers. Paternal failure was tantamount to killing and the child itself was deemed a walking dead who should not have been born at all.⁸⁴

Alongside teaching children the verses of the *Shema*, the Tosefta imposed on fathers the familiar duty of teaching sons the Torah and the sacred language (Hebrew). The expectation that all fathers would be able to teach their sons is couched in vague terms. How much of the Torah was a father to teach his sons? What level of Hebrew did fathers possess?⁸⁵ It seems likely that the Shema, probably standardized by the second or third centuries CE, as well as other basic biblical portions would have been acquired mechanically rather than profoundly.⁸⁶ The main purpose of the Tosefta's sweeping rule would have been to ensure a growing child's participation in the Torah's public reading.⁸⁷

Rules relating to learning texts meant that parents, particularly fathers, had to closely monitor the developmental faculties of their children.⁸⁸ To recite the Shema correctly a child had to be able to vocally master the words. How exactly did the rabbis envisage the integration of children into the rituals of public reading, and their transition from listeners to readers is difficult to ascertain.⁸⁹ Not all parents were in a position to teach their children either Torah or Hebrew. Rabbinic hindsight projected not parental mentoring but rather hundreds of schools in pre-70 Jerusalem and pre-135 Bethar, where thousands of children would have acquired the

⁸⁴ Cf. Sifre Deut 46: when a child begins to talk, his father shall speak with him in the holy tongue, teaching him the Torah. But if he does not speak with him in the holy tongue and teach him Torah he might as well have buried him.

⁸⁵ Hezser, *Literacy*, 72 observes that the Tosefta ruling "does not necessarily imply that the child learned spoken Hebrew," perhaps, although see Fraade on the multiplicity of languages and language coding. Sifre Deut 46 does refer to the teaching or rather conversing in Hebrew, as soon as a child begins to speak, connected, as Hezser maintains (p. 72), with the loud reading of the Torah.

⁸⁶ On this prayer, R. Kimelman, "The Shema and the Amidah: Rabbinic Prayer," in *Prayer from Alexander to Constantine. A Critical Anthology*, ed. M. Kiley (London 1997), 108–20; and at much greater length, idem, "The Shema Liturgy."

⁸⁷ Hezser, *Literacy*, 452–63, esp. 453 on differing rabbinic views about minors reading, or not reading, the Scroll of Esther.

⁸⁸ The ability to speak apparently arose little interest among ancient physicians, Laes, *Children*, 82. On the quest for the proto- or pre-adult language, Herodotus 2.2 with M. Golden, "Baby Talk and Child Language in ancient Greece," in *Lo spettacolo delle voci*, ed. F. de Martino and A. H. Sommerstein (Bari 1995), II, 11–34.

⁸⁹ As implied by Hezser, *Literacy*, 456 who views public reading as a substitute to direct reading since "very few ancient Jews are likely to have possessed Torah scrolls at home and since not everyone will have had the time and the opportunity to visit study houses."

rudiments of literacy with the help of professional teachers.⁹⁰ Among famous sages whose childhood passed in utter ignorance of letters was Rabbi Akiva, who, late in life, shared a school bench and an exercise-tablet with his own infant son, both bent on learning the alphabet and the Torah.⁹¹

Neither paternal instruction nor the age of learning constituted criteria that cast one in the future role of a rabbi. Children's precocity was considered another manifestation of the mysterious ways of the divine which entailed the dismissal of the pivotal role of parents in educating sons:

A man had a small son (*ben katan*). One day he left him and went to the market. The child took the [Torah?] scroll, placed it between his knees and then sat and meditated upon it. When his father returned from the market he said: Look at what my small son did when I left him to go to the market. He studied all by himself. He took the scroll, placed it between his knees, then sat and meditated upon it. From this you learn that even a single person who sits and engages himself in the Torah is rewarded in Heaven. (ARN A 8.6)

Ideal paternity apparently matched an ideal childhood. While the father looked after the physical needs of his child, the child delved into learning rather than playing. Perhaps the parable projected the father teaching the alphabet to his son, who then “meditated” not so much on the text as on the physical object that contained the holy words.⁹² The verb suggests that this self-learning process went beyond the mere reading of the text. What comes across was the inordinate sense of pride in the infant's unusual achievement. Rabbinic approval was less apparent. The example was inserted into a passage that extolled communal rather than solitary and self-initiated learning.

Read as a recommendation rather than a mandatory instruction, the rabbis charged fathers to imbue their sons with the rightful sense of their Jewishness. *Tzitzit*, *tefillin* and the Torah adorn the body and being of a Jewish boy, a triple highway leading to complete inclusion in the scheme of male Jewishness.⁹³ Boys became an artificial creation representing the union of God's conceptual project (the Torah) and the technical skill of its interpreters. The actual productive act no longer belonged to mothers. Perhaps this post-biblical combination of phylacteries, fringes and select

⁹⁰ PT Meg 3.1; PT Ket 13.1; PT Taan 4.8. ⁹¹ ARN A 6.

⁹² If this “parable” reflected a reality, Hezser, *Literacy*, 77.

⁹³ T Ber 2.15. For discussion of bodily gestures during prayer and the appropriate attire for participation in communal rituals, U. Ehrlich, *The Non-Verbal Language of Prayer. A New Approach to Jewish Liturgy* (Tübingen 2004), 135–56.

biblical citations owed its origins to the rise of Jewish nationalism under the Maccabees in the second century BCE.⁹⁴ By the first century CE, these three became an index of a child's socialization into the contours of Jewishness.

Maintaining Cleanliness/Purity

To live like a Jew entailed a good grasp over the overriding issue of purity pertaining to food intake, to the body and to the domestic environment.⁹⁵ A child had to learn about immersion and the maintenance of personal hygiene in conjunction with acquiring familiarity with the process of setting aside food items designated for priestly consumption and with slaughtering rules.⁹⁶ These were signs of ritual maturity, albeit not necessarily in an order that reflected a universal chart applying to all children. Likely the order of ritual obligations of T Hag 1 corresponded to the significance of each mitzvah. The discourse started with attention to the child's ability to distinguish between an edible and inedible item (egg versus a similarly shaped stone), a discernment which raised the question whether the quantity of the food consumed required a locus within a fair distance from home for discharging the feces. One was not allowed to engage in reciting the Shema if the smells of excrement invaded his nostrils. From the start, then, an overwhelming concern regarding matters of "purity" and "impurity" in the shape of smells and objects, in private and public spaces, dominated the life of a Jewish child.⁹⁷

⁹⁴ A. Baumgarten, "Invented Traditions of the Maccabean Era," in *Geschichte-Tradition-Reflexion, Festschrift Martin Hengel*, ed. H. Cancik, H. Lichtenberger and P. Schäfer (Tübingen 1996) 197–210; N. G. Cohen, *Philo Judaeus. His Universe of Discourse* (Frankfurt 1995), 167–76; Cohn, *Tangled*, 100–2. On the complexity, variability and instability of the texts incorporated in prayers during the Second Temple Era, J. Penner, *Patterns of Daily Prayer in the Second Temple Period* (Leiden 2012).

⁹⁵ For a useful introduction to the religious significance of eating from the Bible to the Kabbalah, see J. Hecker, *Mystical Bodies, Mystical Meals. Eating and Embodiment in Medieval Kabbalah* (Detroit 2005), 19–56, and at greater length, J. Roseblum, *Food and Identity in Early Rabbinic Judaism* (Cambridge 2010).

⁹⁶ Cf. T Tohorot 3.5.

⁹⁷ A topic of much discussion. To mention a few, J. Neusner, *The Idea of Purity in Ancient Judaism* (Leiden 1973); H. K. Harrington, *The Impurity Systems of Qumran and the Rabbis. Biblical Foundations* (Atlanta 1993); H. Maccoby, *Ritual and Morality. The Ritual Purity System and Its Place in Judaism* (1999); J. Klawans, *Impurity and Sin in Ancient Judaism* (Oxford 2000); H. Milikowsky, "Reflections on Hand Washing, Hand Purity, and Scripture in Rabbinic Literature," in *Purity and Holiness. The Heritage of Leviticus*, ed. M. J. H. M. Poorthuis and J. Schwartz (Leiden and Boston 2000), 149–62; S. Haber, "Ritual and Moral Purity and Impurity in the Hebrew Bible, Second Temple Judaism, and Dead Sea Scrolls," in eadem, *They Shall Purify Themselves. Essays on Purity in Early Judaism*, ed. A. Reinhartz (Atlanta 2008), 9–74.

T Hag 1.2 provided a test of comprehension by entrusting a child with *bullin* (unconsecrated daily ordinary food) as though it had been consecrated through *terumah* (priestly share of food which must be separated in a state of purity). To pass the test a child had to demonstrate that proper precautions had been taken so as not to contaminate food items from which the *terumah* had not yet been separated.⁹⁸ This minute attention to the easing of boys into the complexities of food consumption also underscored rabbinic concerns regarding the commensal aspect of male bonding.⁹⁹

Already during the late Second Temple period (second-first centuries BCE) excessive emphasis on personal purity was reflected in the exceptionally large number of *miqvaot* (purity-immersion pools) found primarily in and around Jerusalem.¹⁰⁰ When the Temple stood, concerns relating to purity were so dominant that, reputedly, some boys were raised in complete isolation so as to ensure total lack of contact with any contaminating agent:

There used to be in Jerusalem courtyards built over a hollow rock [so as to ensure that there was no grave pollution underneath]. They would bring there pregnant women who would give birth and raised their sons [in this pure space]. They would bring oxen, place doors on them and make the children (*tinokot*) sit with stone cups in their hands. When oxen and children would reach the Siloam pool, the children would alight, fill the cups with water, re-alight [and return]. R. Jose claimed that a child would stay atop the oxen while filling the cup [by using a rope to reach the water].¹⁰¹

In this manner, the most sacred of all purifying matters, namely ash procured from a red cow, could be produced in conditions of absolute and complete purity.¹⁰² In post-70 Roman Judaea-Palestine the focus on purity shifted from objects linked with Temple worship to the individual body of a Jew, a transformation which also accounted for a relative decline

⁹⁸ S. S. Miller, *At the Intersection of Texts and Material Finds. Stepped Pools, Stone Vessels and Ritual Purity among the Jews of Roman Galilee* (Göttingen 2015), 215.

⁹⁹ Roseblum, *Food and Identity*; D. C. Kraemer, *Jewish Eating and Identity through the Ages* (New York 2007). See also the useful chapter on the religious significance of eating in Judaism from the Bible to the Kabbalah in Hecker, *Mystical Bodies*, 19–137.

¹⁰⁰ R. Reich, *Miqvaot in the periods of the Second Temple, Mishnah and Talmud* (Jerusalem 2013) (Heb) with over 250 for the earlier period and less than 70 for the later periods.

¹⁰¹ M Par 3.2; T Par 3.2–3. M. Jaffee, *Torah in the Mouth. Writing and Oral Tradition in Palestinian Judaism 200 BCE–400 CE* (Oxford 2001), 114–15.

¹⁰² Cf. 4Q 277 (Tohorot B) that banned children from sprinkling the waters of purification from the ashes, with J. M. Baumgarten, “The Red Cow Purification Rites in Qumran Texts,” *JJS* 46 (1995), 112–19.

in the number of identified miqvaot.¹⁰³ This “revolution” may also explain the fact that out of the twelve tractates included in the hefty Mishnaic order on im/purities (tohorot) only one, Niddah (female menstruation, immersion and purification), became the subject of further commentary in the Palestinian and the Babylonian Talmuds.

Rounding up the evolution of a boy’s ritual maturation, T Hag 1 referred to the Passover sacrifice, allowing a child to share the roast meat if he proved cognizant of nutrition. Participation in the feast of Sukkot necessitated a measure of bodily coordination. The consumption of the Paschal meat required a measure of mental maturity, thus completing the ritual initiation of boys into Jewishness during childhood. The Tosefta text suggests that these stages took place at home within a close circuit of males. Women, mothers, sisters, did not form part of this evolution and bonding. Yet, the concluding section of T Hag 1 addressed the physical signs of maturity of both sexes because rabbinic ideas of integrating children into the obligations of Jewishness relied on instruction, intelligence and on the distinctions between the genders.

It was important to harmonize boyhood with nature. In practice, therefore, the sprouting of two pubic hairs indicated the threshold of submitting to the commandments within domestic-familial orbit, whether these involved domestic duties for girls or ritual duties for boys. Beyond the domicile, facial hair provided an adolescent with entry to public synagogal-service. In order to create a canonical image of a Jewish boyhood the Tosefta implied that the existence of femaleness introduced a different scale of acculturation, but for the working of nature.

The Making of a Working Jew

When the Mishnah outlined basic paternal obligations, the teaching of craft was placed alongside the duties of circumcision, redemption and

¹⁰³ D. Amit and Y. Adler, “The Observance of Ritual Purity after 70 CE. A Reevaluation of the Evidence in Light of Recent Archaeological Discoveries,” in *Follow the Wise. Festschrift Lee Levine*, ed. Z. Weiss et al. (Winona Lake 2010), 120–43. See also the reservations of E. M. Meyers and M. A. Chancey, *Alexander to Constantine. Archaeology of the Land of the Bible* (New Haven 2012), 236 with regards to Sepphoris. On immersion as ritual of purification post 70 CE, S. S. Miller, “Stepped Pools and the Non-Existent Monolithic Miqveh,” in *The Archaeology of Difference. Gender, Ethnicity, Class and the Other in Antiquity. Studies in Honor of E. M. Meyers*, ed. D. R. Edwards and C. T. McCollough (Boston 2007), 230 n. 43. For a larger Mediterranean context, *Ablution, Initiation, and Baptism: Late Antiquity, Early Judaism, and Early Christianity*, 3 vols., ed. D. Hellholm, T. Vegge, O. Norderval and C. Hellholm (Berlin 2011).

teaching Torah without, it seems, a sense of incongruity.¹⁰⁴ How, then, did one produce a working Jew? After all, as Rabbi Ishmael put rather forcibly, a craft meant livelihood and livelihood meant life (PT Kid 1.7). What kind of “crafts” or “trades” could be taught as complements to the life-giving Torah?

A man should not teach his son a trade that is practiced among women. Rabbi Meir said: A man should endeavor to teach his son a clean and easy trade, praying to the One who owns everything since there is no trade that does not entail both poverty and wealth and neither is derived from trade but everything is according to one’s merit . . . Aba Guriyan of Sidon said in the name of Aba Guria (or Aba Shaul): A man should not teach his son to become a donkey driver, a camel driver, a barber (or potter), a sailor, a herdsman, or a shopkeeper, since these crafts are a thieving art. Rabbi Judah said in his (i.e. Aba Guria’s) name: Most of the donkey drivers are evil while most camel driver are decent and most sailors are pious. But the best among medical doctors is destined to hell and the most proficient among butchers (or cooks) is a partner of Amalek (in cruelty). Rabbi Nehorai said: I would set aside all the crafts in this world and teach my son only the Torah since one reaps benefits from it in this world and the fund remains intact for the world to come which is not the case with all other crafts. If a man is sick, or old, or is suffering and consequently cannot engage in his trade he dies of starvation. But the Torah guards one’s youth (*naarut*) from evil, assures a future, and in old age it lends him hope.¹⁰⁵

Not much could be added to these sweeping statements, capped, as they were, by the conviction that no job could replace the Torah. A slight doubt was introduced in the commentary that the Palestinian Talmud attached to this Mishnah, suggesting that while everything ultimately was in the hands of God, nevertheless a man should strive to teach his son a craft, even a small-scale trade:

Happy is a [child] who sees his parents (*horav*) practicing a noble trade (*omanut meula*) and woe to [a child] who sees his parents practicing an ignoble one (*omanut peguma*). What can a human (*adam*) do? He can endeavor to teach his son a small-scale trade (*amanut ketana*) and then pray for mercy from God . . . Rabbi Shimon son of Eleazar said in the name of Rabbi Meir: Have you ever seen a lion who practices as a beast of burden, a deer who works as a fruit picker, a fox who is a shopkeeper, or a wolf who sells pottery? Yet they survive without a problem. Were they not created to serve me and I to serve my Maker? And if they, who were created to serve me,

¹⁰⁴ On children at work see also Chapter 2.

¹⁰⁵ M Kid 4.14, Danby trans. For a full list of objectionable trades, especially those that involved contact with the other sex, M. Aberbach, *Labor, Crafts and Commerce in Ancient Israel* (Jerusalem 1994), 201–40.

make a living without a hassle it stands to reason that I, too, can make a living without a problem. Why, then, do I earn my living with so much trouble? Because of my sins. Because I sinned I lost my livelihood. (PT Kid 4.11)

Should one conclude that whatever trade a child is taught would make no difference to his future as long as he conducted his life in a sinless manner? This is an ambiguous lesson at best. If the ultimate occupation was a fulltime engagement with the Torah, whatever else one did was bound to carry negative consequences. Learning rather than labor was the ultimate rabbinic utopia woven into the fabric of paternal obligations vis-à-vis sons. Yet, the apparent antagonism for certain occupations contrasted with a rabbinic delineation of an ideal urban landscape. In the very same section which listed rabbinic bans on certain trades a different vision of an urban landscape emerged:

It is forbidden to live in a town (*ir*) that does not boast a medical practitioner, a bath house, and a court authorized to decree lashing and imprisonment . . . nor is it permitted to live in a town that does not boast a municipal kitchen garden. (PT Kid 4.12)

Whether the doctor was Jewish or not is not stated. One notes the absence of other professions deemed unsuitable for Jewish males.

Throughout Roman Palestine, Jewish towns certainly boasted traders, laborers and shopkeepers who formed guilds according to their trade. We know of one which united dealers of cotton (PT Pea 1.1) and an association of those who dealt in grinding flour (*ibid.*). Trades tended to be hereditary.¹⁰⁶ In the market those who kept a stall had to rely on their children for help with selling. In spite of the seller's tender age the sale itself was considered legally binding as long as the child abided by the rules of *teruma* (priestly tithe):

A child (*katan*) whose father allowed him to sell (in the market) and to set aside the *teruma* (as should be done), the sale is valid (as though performed by the father) and the *teruma* is *teruma*. (M Ter 3.3–4; T Ter 4.1 PT Ter 1.1)

Several late Roman laws exempted certain professionals from public duties in order to enable them to invest time in training their children in the same profession.¹⁰⁷ The growing monopoly of the state in manufacturing areas relating to the army and the civil service was, perhaps, reflected in the

¹⁰⁶ Jones, *LRE*, 761; D. Sperber, *The City in Roman Palestine* (Oxford 1998). Chapters 9 and 11.

¹⁰⁷ CTh 10.20.15–18, CE 425–7 (relating to children of purple dyers, fish collectors, weavers, minters and pack animal drivers); CTh 13.4.2, CE 337 (exempting many categories of workers from public services so as to teach their children their profession).

vignette extolling the filial piety of a son (age not disclosed) who volunteered to be conscripted instead of his father to state service:

One man was in the profession of grinding. An order came [enlisting] him [to serve the government]. His son said to him: Father, come and grind in my stead so that if they manifest contempt I prefer that I be their butt, and if it comes to being lashed, it is good that I will be beaten rather than you. This is a son who merits paradise.¹⁰⁸

The anecdote, whether historical or a moral lesson on filial piety, suggests that fathers and sons shared a trade, the latter serving as an apprentice. Similarly, trades like “door making” would have been passed from fathers to sons.¹⁰⁹

The rabbis themselves often acted as school teachers, and although they urged a model of free education, namely teaching without remuneration, reality probably differed.¹¹⁰ When Rabbi Meir, who had spent his meager income as a scribe on food, drink, clothing and on supporting poorer scholars, left nothing for his sons, he accounted for this singular omission with a verse from Psalms (37:25: *Neither through my adolescence nor in my old age have I seen a righteous man abandoned or his children (seed) beg for bread*).¹¹¹

That teaching sons a trade was taken to be the norm of life of a Jew was further reflected in a handful of rules relating to children and Sabbath in/activities:

Rabbi Shimon ben Eleazar said on the authority of Rabbi Shimon son of Gamaliel: There is no negotiation of betrothal of children (*tinokot*) on the Sabbath, nor teaching a child a book or a trade. (BT Shab 12a)

We know of Jewish stone workers who were involved in construction projects since their main instrument, a hammer (*makevet*), was an object of rules relating to im/purities.¹¹² In spite of the widespread use of marble in Palestinian cities (public bath houses, fountains, imperial

¹⁰⁸ PT Pea 1.1; S. Lieberman, “Palestine in the Third and Fourth Centuries,” *JQR* 36 (1945–1946), 347–8.

¹⁰⁹ R. Hachlili, “Hebrew Names, Personal Names, Family Names and Nicknames of Jews in the Second Temple Period,” in *Families and Family Relations as Represented in Early Judaism and Early Christianities: Texts and Fictions*, ed. J. W. Van Henten and A. Brenner (Leiderdorp 2000), 101–3, as surmised from funerary inscriptions. On rabbinic occupations and attitudes to physical labor, what Jews did for a living pursuing trades that the rabbis either recommended or rejected, Aberbach, *Labor*, passim, esp. 242–6 on apprenticeship.

¹¹⁰ BT Ned 37a. ¹¹¹ EccR 2.18 with Aberbach, *Labor*, 75.

¹¹² PT Shek 4.1; M. Ayali, *Workers and Craftsmen: – Their Craft and Status in Rabbinic Literature* (Givatayim 1987) (Heb); M Shab 12.1 describes these craftsmen (Cf. BT San 100a; BB 75a).

statues, architectural ornamentation) there are no references in rabbinic sources to workers of marble, presumably since it was imported already carved.¹¹³

A career option which the rabbis never recommended but which some Diaspora and possibly Palestinian adolescents followed was service in the Roman military.¹¹⁴ Roman Jewish soldiers hailed from Egypt and Syria in the first and second centuries. It has been assumed that most if not all the men mentioned in the Jewish inscriptions of Pannonia would have been soldiers originating in the eastern provinces. How many of their sons also became soldiers cannot even be guessed. In 418, imperial legislation banned Jews from serving in the army, a move that indicates, perhaps, that there was a sufficient number of Jewish soldiers to draw the attention of the court.¹¹⁵ Roman provincial administration offered another working venue to ambitious Jewish individuals as several inscriptions from Asia Minor testify. The Jewish patriarch (*nasi*) himself sent his son to Antioch to study with the most celebrated teacher of the day, Libanius, likely to enable the youth to embark on a lucrative career in the imperial administration.¹¹⁶ Alas for the ambitious father, the son showed no inclination to study.

Ultimately, the rabbinic perception of a perfectly ordained Jewish childhood consigned boys to study the Torah and others to life of ordinary labors. Instructively, the “battle” between these two life pursuits was entrusted to the ultimate rabbinic “apostate”:

Who is Aher? It is Elisha ben Abbuyah who slew young scholars of the Torah. He used to kill every disciple (*talmid*) he saw mastering the Torah. Moreover, he used to enter the schoolhouse (*beit vaada*, meeting place), and when he saw the pupils (*talya*) engaged in learning he would ask: What are these children doing here (rather than pursuing a profession?) This child should be a mason; the other a carpenter; this one should be a fisherman; and this one should be a tailor. When the children heard his words they would leave [school] and go [to become workmen]. On Elisha Scripture says: *Let not your mouth lead you into sin* (Eccl.5.5). (PT Hag 2.1)

¹¹³ M. L. Fischer and T. Grossmark, “Marble Import and *marmorarii* in Eretz Israel during the Roman and Byzantine Period,” *Eretz Israel* 25 (1996), 471–83 (Heb), esp. 479.

¹¹⁴ A. J. Schoenfeld, “Sons of Israel in Caesar’s Service: Jewish Soldiers in the Roman Military,” *Shofar* 24 (2006), 115–26.

¹¹⁵ CTh 16.8.24, A. Linder, *The Jews in Roman Imperial Legislation* (Detroit 1987), no 45, 280–3.

¹¹⁶ M. Stern, *Greek and Roman Authors on Jews and Judaism*, II, 580–99; Hezser, *Literacy*, 106 on doubts regarding the identity of Libanius’ Jewish correspondent.

Summary

At the core of the rules relating to boyhood were two models of thinking about boyhood and about the grooming of male Jewish citizens, one aspiring to represent insiders' (rabbinic) concepts, the other representing outsiders (*Am Haaretz*, commoners and gentiles). It seems hardly a coincidence that a persecution of Jews by Roman imperial power was characterized by an attempt to sever the connections that made up the life of a Jewish boy. According to one rabbinic account, these prohibitions aimed at dividing the indivisible unity of male Jewishness.

Said Rabbi Ishmael. From the day that the Temple was destroyed it has become a rule not to eat meat or drink wine. But no court can constrain the public to do what the public is unable to comply with. He also said: Since they (the Romans) uproot the Torah from among us, the world is bound to become a desert. By banning marriage, the begetting of children, the preservation of the week of the son, [the Romans designed that] the seed of Abraham is to be extinguished all by itself. To [this view] they (the rabbis) responded: Better that the public err than commit a sin knowingly.¹¹⁷

In the alternate of persecution and perseverance, two sides of Jewish existence, circumcision was chiefly targeted as though leaving the foreskin untouched would have launched a different history of Judaism.¹¹⁸ It would be tempting to see in the laws' striking emphasis on the sequence of marriage, birth and the week of the son, juxtaposed with the defunct Temple and the living Torah, a proximity declaring the permanence of Jewish maleness through these acts.

Texts compiled in Palestinian rabbinic circles further linked bans on circumcision with decrees forbidding public reading of the Torah, the observation of the Shabbat, building a sukkah, waving lulav on Sukkot, wearing tefillin, chanting the Shema and the application of a special dyed wool to a tzitzit.¹¹⁹ Altogether, these prohibitions constituted a chain

¹¹⁷ T Sot 15.10, Vienna ms; Cf. BT BB 60b, with a variant reading "the redemption of the son." Kalmin, "Rabbinic Traditions," 41 note 69. Pace Lieberman, *Tosefta KiFsthutah* 771–2, the week of the child was celebrated for both girls and boys.

¹¹⁸ I. Kalimi, *Early Jewish Exegesis and Theological Controversy* (Assen 2002), 61–76, on the midrashim bearing on circumcision, its import and its bans within the context of late first/early second century of Jewish-Christian polemics and the Bar Kokhba revolt. On the latter see also the chapter on Jesus son of Babatha.

¹¹⁹ Kalmin, "Rabbinic Traditions," 47–8 for the list. Babylonian traditions put a premium on circumcision and Torah study, *ibid.*, 41–2.

linked with the stages of boyhood. In telling stories of persecution the rabbis used external laws, Seleucid or Roman, to tell a story of uniform opposition that posited the unity of the creed. Whether belittled or glorified, these were the essentials that distinguish the upbringing of a Jewish boy from that of all other children in antiquity, as well as from their own sisters.

CHAPTER 4

Daughters Delight or Dissension?

In these dark rooms where I live out
Empty days, I circle back and forth
Trying to find the windows.
It will be a great relief when a window opens.
But the windows are not there to be found-
Or at least I cannot find them. And perhaps
It is better that I don't find them.
Perhaps the light will prove another tyranny.
Who knows what new things it will expose?
(Constantine Cavafy, "The Windows," in idem, *Collected Poems*.

Transl. E. Keeley and P. Sherrard)

In the ever-expanding modern study of women in ancient Judaism, daughters have been rarely discussed as a category on its own.¹ Like the rabbinic wife, the rabbinic daughter functioned primarily within domestic parameters. The rules that governed daughterly behavior focused on paternal obligations and privileges. Fathers were perceived as protectors of the bodily integrity of their daughters. Daughterhood, then, was synonymous with girlhood, in itself a transitional phase that lasted from birth to the marital bed.

Female minority was a subjective category distinct from female majority. Between these two phases, rabbinic literature interjected or rather reinvented a legal concept of "adolescence" (*naarut*), a six-month period of transition between minority (childhood) and majority (adulthood), with its own distinct legal characteristics. Girlhood (minors and adolescents) in general signified virginity, the first of four bodily categories into

¹ Wegner and Ilan for two exceptions. Studies of early Christian texts provide useful comparative perspectives, see among several, S. Betsworth, *The Reign of God Is Such as These: A Socio-Literary Study of Daughters in the Gospel of Mark* (London 2010). An earlier and shorter version of this chapter appeared as Sivan, "Daughters as Disasters? Daughters and Fathers in Ancient Judaism," in *Children and Family in Late Antiquity. Life, Death and Interaction*, ed. C. Laes, K. Mustakallio and V. Vuolanto (Leuven 2015), 289–308. My thanks for permission to use the material.

which the female race was divided. The other three were pregnancy, nursing and old age.² Girlhood or virginity marked the female body as pristine, untouched and unpenetrated. The three others signaled major changes of the female body, two (pregnancy and nursing) in close succession, the third (old age) an inevitable conclusion rarely reached in antiquity. All four categories had in common the absence of menstrual blood. No allowance was made for regular or non-menstruating periods when a female is past puberty, neither pregnant nor nursing or menopausal.

In this chapter I survey several aspects of female childhood, from birth and rules monitoring puberty and purity, to education and marriage of minors. Among questions addressed are: Who stood to gain from violating a daughter's virginity and from injuring their bodies? How and why did marriage of minors take place? What recourse did girls have if they were averse to arranged betrothal? What spaces did rabbinic literature carve for girls in their visions of virginity and familial relations? How were girls groomed to become Jews?

Birthing a Daughter

Man (adam) then began to multiply upon the earth and daughters (banot) were born to them (Gen 6:1). Rabbi Yochanan said: [with daughters] came multiplication (*reviah*) to the world. Resh Lakish contended that [with them] arrived dissension (*merivah*). When Rabbi Shimon son of Rabbi had a daughter he was disappointed. His father told him: [with her] comes multiplication into the world. Bar Kapra claimed that this was a vain consolation. [Our rabbis say:] The world cannot do without males and females. Happy, however, is the man whose children are male; woe to the one whose children are females. [In a similar vein it was said that:] The world cannot manage without a spice seller and a tanner, yet happy is the former and woe to the latter.

(BT BB 16b)

Using a biblical verse, Genesis 6:1, as a point of departure, the debate about birthing daughters hinged on an alliteration (*reviah-merivah*) and on the fact that females formed a vital component in the perpetuation of humanity. Genesis chapter six, however, is a record of birth and disaster culminating in the flood, a divinely designed event calculated to eliminate the offspring of the daughters whose birth has just been recorded. This was

² M Nid 1.3; Fonrobert, *Menstrual Purity*, 139.

a birth registry that inaugurated an increase in numbers but not an era of peace and prosperity. Rather, it signaled the dawn of a race doomed to failure and extinction. The Palestinian rabbinic authorities quoted in the passage at the start of this section advanced a contradictory agenda, one side favoring the birth of daughters, the other regarding the same event as a gateway to dissension, familial, communal and universal.³ Predictably, the conclusion cast the birth of daughters as a natural inevitability.

At best, female children were to be tolerated while males were welcome.⁴ If daughters were an unfortunate necessity, how many would a man have to birth in order to comply with the biblical injunction of procreation (Gen 1:28)? Rabbi Yochanan reminded his audience that Gen 1:28 referred to both sexes.⁵ His admonition was more than a linguistic preference. It was an affirmation of natural possibilities and of the ever-present need to reaffirm the Bible. Rabbinic innate resistance to an acknowledgment of the creative role of the female race was expressed in the exegetical question whether the promise to Abraham to father countless descendants (Gen 13:16) included daughters at all.⁶ In the end, the problem with daughters was simply the fact of their existence.

Perhaps the registration of a rare preference for daughters was staged as a protest:

Whoever says: If my wife gives birth to a boy, he will receive one portion [of inheritance] . . . if a daughter, she will receive two portions . . . if she gave birth to both a male and a female, the female gets a double portion.⁷

Did this paternal promise also imply that a daughter was dearer to her father than a son? The lengthy debate on these matters, as reported in the Babylonian Talmud (BB 141a-b), underscored rabbinic discomfort with their own preference for male children and the uncompromising biblical injunction of procreation of Genesis 1:28.

³ These two sages, master and pupil, Yochanan and Resh Lakish, were often linked in Talmudic narratives that revolved around the two seemingly contradictory poles of Torah study vs. engagement in mundane matters such as marriage and banditry, BT BM 84a; see A. Kosman, "R. Yochanan and Resh Lakish: The Image of God in the Study Hall 'Masculinity' vs. 'Femininity,'" *European Judaism* 43 (2010), 128–45; Zlotnick (Sivan), *Dinah's Daughters*, preface.

⁴ Cf. BT Kid 82b; Pes. 65a where the opinion of the necessity of the two sexes is ascribed to Rabbi himself while in other versions it was attributed anonymously, GenR 26.4 and T Kid 5.17.

⁵ M Yev 6.6; PT Yev 6.7 insists that the perfect fulfillment of the Genesis commandment is to bear both sexes, implying that even if two or more sons are born, the couple still ought to try for a daughter.

⁶ BT BB 16b.

⁷ M BB 9.2. T BB 9.2 also presents a reversal of the amounts which a father gives to the person who announces the birth of a daughter or a son. PT BB 9.2, advocating an equal distribution in case of the birth of both a daughter and a son, concludes that the trouble that a daughter brings to the world cancels out the joy induced by the birth of a son.

No ambiguity accompanied the rabbinic venture into the writing of the Hellenistic moral preacher, Ben Sira (second century BCE), for whom the birth of a daughter hailed lifelong paternal trouble:

A daughter is a vain treasure (*matmon sheker*) to her father
and a source of sleepless nights.
During her youth (*neureha*), [he loses sleep] lest she may not be appealing;
While a virgin he worries lest she may be seduced;
While married, lest she may go astray.
When living under his roof, [he loses sleep] for fear lest she may conceive;
And when she is married for fear she may be barren.
My son, keep strict watch over a daughter
Lest she makes you a laughingstock to your enemies,
A byword in the city and in the assembly of the people,
Putting you to shame in public gatherings.
See that there is no lattice (*eshnav*, MS B) in her room
Nor a spot that overlooks the approaches to the house.
Let her not reveal her beauty to any male
Nor spend time in the house of (married?) women (*beit nashim*).
For just as moths flutter out of a garment
wickedness issues from one woman to another.
Better a man's wickedness than a woman's goodness,
And [better] a daughter who fears all iniquity (herpa).⁸

The rabbinic abbreviation of Ben Sira's view succinctly summarized its negativities:

A daughter is like a useless treasure to her father and a constant source of sleepless nights. During her minority he worries lest she be seduced. During her adolescence he worries lest she goes astray. Reaching majority [he worries] lest she has no groom. When she does marry, [he worries] lest she will not bear sons. And when she grows old he worries lest she dabbles in witchcraft. (BT San 100a)⁹

⁸ BS 42.9–14, translation based on MS A, P. C. Beentjes, *The Book of Ben Sira in Hebrew. A Text Edition of all Extant Hebrew Manuscripts and a Synopsis of all Parallel Hebrew Ben Sira Texts* (Leiden 1997), 30. The advice is briefly repeated in another section: "If you have daughters, keep them chaste and do not be indulgent with them/Marrying a daughter off is a like completing a transaction, if she is associated with a prudent man" (BS 7.24–5). The manuscripts, all fragmentary at this point, provide a different wording, which, in essence, express the same ideas. Cf. the widely different translations in P. W. Skehan and A. A. Di Lella, *The Wisdom of Ben Sira* (New York 1987), 306, with Balla, 40. For the ever-increasing bibliography on Ben Sira (=Jesus Sirach=Ecclesiasticus), *Jüdische Schriften aus hellenistisch-römischer Zeit*, VI (1999), 303–35, and *Bibliographie zu Ben Sira* (Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 266) (Berlin 1998). See also I. Balla, *Ben Sira on Family, Gender and Sexuality* (Berlin 2011), 33–56; and W. C. Trenchard, *Ben Sira's View of Women. A Literary Analysis* (Chico 1982), 129–65.

⁹ J. R. Labendz, "The Book of Ben Sira in Rabbinic Literature," *AJS Review* 30 (2006), 347–92.

For Ben Sira, the lifecycle of a daughter hovered between two essential ingredients: her purity, or rather the effort to preserve it, and paternal reputation which depended on her behavior even in old age.¹⁰ The rabbinic version of daughters-as-disaster delineated a progression riddled with risks affecting her father, from seduction to adultery and from remaining at home unmarried to failing to produce males in the nuptial bed. Pessimism about the troubles in store with the arrival of a daughter to the world was confirmed, at least in the case of Rabbi Yossi son of Abin who reputedly had a beautiful one:

One day he saw a man boring a hole in the fence so that he might catch a glimpse of her. Yossi said to the man: What is this? The man answered: Master, if I am not worthy enough to marry her, may I not at least be worthy to catch a glimpse of her? Thereupon Yossi exclaimed: My daughter, you are a source of trouble to mankind; return to the dust so that men may not sin because of you.¹¹

At the end of the discussion of whether it was permissible to read Ben Sira it was gloomily concluded that:

The world cannot exist without males and without females. Yet happy is the man whose children are males. Woe to the man whose children are female.¹²

Puberty and Purity

In rabbinic imagination the female species was like a fig, with a child (*tinoket*) compared to an unripe fig, an adolescent (*naara*) to a ripening one and an adult (*bogeret*) to a ripe fig. No specific age range was attached to this quaint borrowing from nature perhaps because figs, like females, mature at a different pace from one another.¹³ The fig metaphor, moreover,

¹⁰ S. Schechter, "The Quotations from Ecclesiasticus in Rabbinic Literature," *JQR* 3 (1891), 682–706.

¹¹ BT Ta'an24a, Soncino trans. J. R. Baskin, *Midrashic Women. Formations of the Feminine in Rabbinic Literature* (Hanover 2002), 32–3, and on Ben Sira's precedence of disallowing daughters to parade their beauty, BS 42.12–14.

¹² BT San 100b. Cf. BT BB 16b for similar sentiments, although there were also rabbinic voices that expressed disagreement with such sweeping negativities. BT Nid 31b records a rabbinic boast about fathering only boys with detailed discussion of the sex-positions that guaranteed the production of such a blessing. Cf. the pleasure of having daughters as expressed by Cicero: "What has nature rendered more pleasurable and dearer to us [than our daughters]? What other object is more deserving of our indulgence and tenderness to be lavished upon?" (*quid enim natura nobis iucundius, quid carius esse voluit [quam nostrae filiae]? Quid est dignius in quo omnis nostra diligentia indulgentiae consumatur?* In *Verrem* 2.1.112; see also J. Hallett, *Fathers and Daughters in Roman Society* (Princeton 1984), passim.

¹³ Chapter 2 on numbers and age theorization.

was hardly useful in determining the crucial stages in the life of female children, such as the transition from minority to majority. Safer criteria of puberty/majority included the size and shape of female breasts:

Rabbi Yosi the Galilean said that [a girl reaches majority] when a wrinkle appears under her breast; Rabbi Akiva said that it is only when the breasts are large enough to tilt down; Ben Azzai claimed that [she is no longer a child] when the ring around her nipple turns dark. Rabbi Yose said: [when the breast is so grown] that a hand touching the ring around the nipple sinks and slowly returns. (M Nid 5.8)¹⁴

Observant as these sages may have been, they were in no position to verify these signs of puberty, nor the advent of menarche, another puberty signifier. The ideal of female purity required the removal of all but a handful of carefully chosen female hands, not the least the girl's own:

Prepubescent Israelite daughters are considered pure and should not be examined by women. Once they reach their season (i.e. menstruate) they are considered impure and are to be examined by women. Rabbi Judah, however, said: Even when they reach their season they should not be examined lest they (the examining women) damage [the hymen] with their hands. Instead they ought to smear and wipe [the vagina] with oil only on the outside. The girls then examine themselves. (T Nid 5.2)

Because the integrity of the hymen constituted a major attribute of female purity, as well as a reflection of paternal vigilance, its potential breach symbolized the separation of the parental hearth from sexuality and birth.¹⁵ Exceptionally, therefore, girls were entrusted to report the onset of their own menarche.

From the beginning of life the female body was subjected to suspicion of impurity.¹⁶ Concern to grasp the crucial function of detaching bodily fluids (impurities) from the body and from the environment extended to practically any type of blood discharge, normal and abnormal, particularly during menstruation.¹⁷ Regulations regarding the periods of menstruation (*niddah*) entailed a recommended seclusion of girls and women in

¹⁴ Chapter 2 for slightly different translation.

¹⁵ On this passage see also Fonrobert, *Menstrual Purity*, 138–40.

¹⁶ T. Meacham, "Female Purity (Niddah)," *Jewish Women's Archive* (online), largely based on eadem, "An Abbreviated History of the Development of Jewish Menstrual Laws," and "Appendix" including two titles, "The Elimination of Niddah in favor of Zava," and "Retroactive and Internal Impurity and the Varieties of Blood," in *Women and Water. Menstruation in Jewish Life and Law*, ed. R. Wasserfall (1999), 23–39 and 255–61.

¹⁷ Meacham, "Female Purity," on the assimilation of the category of menstruation (i.e. normal uterine discharge) into that of abnormal uterine discharge (*ziva*), a move which increased periods of purification.

“chambers of impurity” (*beit ha-tumeot*), as well as a mandatory ritual immersion in a *miqveh* (purity pool) at the end of menses.¹⁸ What women of all ages talked about in these rooms remained outside the pages that recorded the myriad rabbinic rules that related to purity either of the self or of the household. It was simply asserted that “the daughters of Israel” voluntarily imposed on themselves the strongest rules of purification when they spotted the tiniest blood stain on their clothes.¹⁹

The exceptional significance attached to the bleeding of the female body is reflected in distinctions drawn between the colors of blood:

Five color-types of blood generate impurity in case of the female body: red, black, shiny yellow, mud, and [the color of] diluted wine. The house of Shammai adds to these the color of fenugreek water and of the juice of roast meat. The house of Hillel, however, considers these pure. Akavia son of Mahalalel deemed the greenish [color] impure as well but the sages deemed it pure. Rabbi Meir said: Even if it does not generate impurity as a blood stain it generates impurity as a liquid. Rabbi Yose said: Neither the one nor the other. (M Nid 2.6)²⁰

These differences led to an examination of blood stains by external experts in order to determine whether its appearance entailed a period of purification. In the early fifth century CE, Jerome mocked this Jewish-Palestinian custom, claiming that when the blood-experts failed to determine by sight whether the blood discharge belonged to a virgin or to a menstruant, they resorted to tasting it.²¹ Jerome’s disdain for the efforts to discern polluting blood discharge was coupled with his critic of Sabbath rules as though the two formed the foundations of contemporary Judaism.

Jerome was clearly ignorant of the rules that called for self-examination by the girl herself of both her body and her clothing, a step of vital

¹⁸ M Nid 7.4; Fonrobert, *Menstrual Purity*. The number of *miqvaot* identified in excavations decreased significantly in the Roman period but the significance of this change remains unclear, Miller, *At the Intersection of Texts and Material Finds*, and Chapter 3.

¹⁹ BT Nid 66a; Meacham, “Appendix,” 256 on this “only halakhic statement in the entire Talmudic corpus made in the name of the daughters of Israel.”

²⁰ Fonrobert, 105ff., on this “taxonomy of the colors of blood,” which she compares with the rabbinic approach to skin diseases; A. Destro, “The Witness of Times: An Anthropological Reading of Niddah,” in *Reading Leviticus. A Conversation with Mary Douglas*, ed. J. F. A. Sawyer (Sheffield 1996), 124–38; C. T. Halberstam, “Stains of Impurity,” in eadem, *Law and Truth in Rabbinic Literature* (Bloomington 2010), 17–41.

²¹ Ep. 121.10; Fonrobert, 115–6, regards Jerome’s words as polemical distortion. On the context of the passage, S. Schwartz, “Rabbinization in the Sixth Century,” in *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. P. Schäfer (Tübingen 2002), 62–4; Sivan, “Review of F. Millar,” *JJS* 67 (2016), 196–202.

importance in determining the state of the female body and of the clothing which covered it:

When she observes a (blood) stain on her flesh, if it was near the genitalia she is impure but if it was not near the genitalia she is pure. If she observes a blood stain on her heel or on the tip of her great toe, she is impure. If it is on the inside of her thigh or feet she is impure, if on the outside, she is pure. If observed on each side she is pure. On inspecting her tunic (*haluk*): if she observes a bloodstain below the belt (*hagor*) she is impure; if it is above the belt she is pure. On examining the tunic's sleeves: if she sees a bloodstain which reaches the genitalia she is impure, if it does not extend that far she is pure. If she takes off her tunic at night any observable stain renders her impure because it can permeate [her blanket]. The same applies to her *pallium* (scarf? mantle?). (M Nid 8.1)

These were no idle guidelines. They reflected a profound aversion to touching the female body, resulting in temporary elevation of girls to the rank of purity-inspectors. The recommendations also provide precious insights into female clothing, its use by day and by night and its layering.²² Above all, the text implies that these measures would have been implemented in privacy of both body and home.

Besides strict adherence to purity regulations relating to menstruation and to other forms of blood discharge, female members of a Jewish (rabbinic) household, regardless of age, had to take excessive care on two other scores: the allocation of the priestly share of baked bread (*hallah*); and the manner of candle lighting on the eve of the Shabbat. These were categories of rituals formerly associated solely with priests which, when entrusted to females, transformed the domicile into a primary ritual space.²³ The punctiliousness and severity attached to the discharge of these obligations (*mitzvoth*) stemmed from Eve's "original sin":

Why was the precept of *niddah* issued? Because Eve shed the blood of Adam. Why was that of *hallah* issued? Because she corrupted Adam who was the dough of the universe. And why the Shabbat candle? Because she extinguished Adam's soul. (GenR 17.8)

²² N. S. Cohn, "What to Wear? Women's Adornment and Judean Identity in the Third Century Mishnah," in *Dressing Judaeans and Christians in Antiquity*, ed. C. Daniel-Hughes, K. Upson-Saia and A. J. Batten (Farnham 2014), 21–36.

²³ L. A. Cook, "Body Language: Women's Rituals of Purification in the Bible and in the Mishnah," in *Women and Water. Menstruation in Jewish Life and Law*, ed. R. Wasserfall (1999), 56–7.

All three would have been inculcated by mothers or older female siblings who taught their daughters or younger sisters how to abide by their rules.²⁴ To drive home the significance of their scrupulous fulfillment, daughters were threatened with death at childbirth (M Shab 2.6), a threat that gained substance from reality, encapsulated in Rabbi Eleazar's poignant comment on the tender age at which daughters died upon giving birth.²⁵

Even the mundane task of washing soiled nappies on Shabbat could result in death for hygiene-conscious female members of the household. Most ominous was the threat of early demise for a mere slip of the tongue. A daughter who miscalled the holy ark (of the Torah) a chest (or a coffin) ran the risk of premature death.²⁶

Both spheres of purity, the self and the environment, touched the life of female minors. Both required familiarity with rules which, if the family abided by them, had to be instilled from infancy. In rabbinically inclined families the process could lead to familial dissension:

When does a *pithos* (large storage container), used as an oven, acquire impurity? From the moment that it is warmed up enough to bake dough-nuts in it. By another opinion it is instantly unclean. Rabbi Shimon son of Gamaliel said in the name of Rabbi Shila: Even if it was plastered while pure, once complete it is impure. At what point, then, is such a container-stove pure (i.e. can be used for baking)? Rabbi Halafta of Kefar Hanania said: I once consulted Shimon son of Hanania who in turn consulted the son of Rabbi Hanania son of Teradion who said: [it is impure] At the moment that it is moved from its [customary] place. His (Rabbi Hanania's) daughter, however, said: [it becomes impure] From the moment that its cover is removed. The matter was brought to Rabbi Judah son of Baba who said: She spoke better than his son did. (T BK/Kelim 4.17)

There were needs that faced all Jewish households conscious of purity matters with regard to the tools used daily to bake. A *pithos* converted into an oven prompted questions about its origins, its transformation from a storage container into a baking instrument, and its use in Jewish domestic and nondomestic spaces. The knowledge that the daughter displayed in the anecdote should have occasioned little surprise.²⁷ It points to the incomparable advantage of daughters growing up in a household of a notable

²⁴ J. Hauptman, "A New View of Women and Torah Study in the Talmudic Period," *JSIJ* 9 (2010), 249–92, explores spaces of women's acquisition of Torah and of domestic duties.

²⁵ BT Shab 32a, note the play on the words: "The rabbis said: women (*nashim*) die at childbirth (*yoldot*) for three transgressions. Rabbi Eleazar used to say: women (*nashim*) die young (*yeladot*)."

²⁶ BT Shab 32a.

²⁷ She is usually identified with the famed Beruriah, who, already as a child, displayed stunningly precocious intelligence.

rabbinic authority. Although the age and name are not disclosed, the daughter's comment garnered praise even though her opinion was not directly solicited. The monopoly of males was only temporarily undermined.

Food preparations entailed intimate knowledge of rules relating to purity and to impurities. Minor daughters, like other female members of Jewish households, were expected to apply both bodies and minds to their domestic responsibilities.²⁸ An exchange of baking implements, for example, constituted a vital thread of neighborhood symbiosis, so crucial that the public standing of males and of females depended on its smooth operation. Transactions such as lending a fine sieve (*nafa*), or a coarse one (*kevara*), a handmill (*reihaim*) or a (portable) oven (*tanur*), had to be carefully monitored. If either lender or borrower had not adhered to sabbatical-year's rulings, the items were or became unacceptable for sifting (grain) and for grinding (grain).²⁹ Any interference with these borrowing practices formed a cause for future divorce since a violation of informal lending practices risked the reputation of the lending couples.³⁰

Just how threatening were the twin threats of impurities and the concomitant tarnishing of paternal communal standing, as of the girl's marital prospects, is reflected in the bizarre efforts of one (apparently Babylonian) father who resorted to extreme measures to preserve the virginity and to increase the marriageability of his nubile daughters:

The father of Rabbi Samuel did not permit his daughters to go out with ribbons in their hair, nor to sleep together. He also made *mikva'oth* (ritual baths) for them in the days of Nissan and had mats placed in the days of Tishrei. But we learn (M Shab 6.6–7) that young girls may go out with ribbons. The daughters of Samuel's father had a colored one. Regarding daughters sleeping together: Shall we say that this supports Rabbi Huna who said that women who commit lewdness with one another are unfit for the priesthood (i.e. to marry a man with priestly lineage)? No! It was in order that they should not become accustomed to a foreign body. (BT Shab 65a, Soncino trans.)

At the heart of the daughters' double seclusion, from public eye and from each other, was the father's excessive concern for the daughters' purity of body and of mind, the former a paramount attribute of good marital

²⁸ M Toh 7.4 on food preparation and the ranks of purity. ²⁹ M Shev 5.9.

³⁰ T Ket 7.4, if a husband prohibits his wife by a vow from lending a sieve or a strainer, mill stones or an oven (to another woman), he must divorce his wife and return her dowry because he gave her a bad name among her female neighbors. Likewise, a wife who prevented her husband through a vow from lending the same items can be divorced and will not get back her dowry.

prospects, the latter an assurance of proper wifely conduct.³¹ Criteria for good conduct meant complete compliance with the most exotic and exorbitant paternal demands, a partial picture of female behavior and its potential to incur harm that reconstructs daughters as objects of circumscribed sensual pleasure and desire.

Daughter's Labor and the Cost of Injured Girls

All income generated by daughters of the domicile belonged to their fathers:

A father is entitled to (income generated) through his daughter's betrothal, whether it is effected by money, deed or intercourse. He is also entitled to anything she finds, to her handiwork, and to compensation due to annulment of vows. He is also entitled to receive her writ of divorce but he does not receive any usufruct (from properties she inherited through her mother and her mother's family) during her lifetime. (M Ket 4.4)

From infancy, daughters were plunged into domestic labors. On festive days they had to cook a large bowl of meat and boil a large kettle of water regardless of domestic needs and consumption. Bread had to be baked according to the oven's capacity rather than to the girl's strength.³² The economic contribution of daughters to the household may be measured by the types of economic activities which involved girls/women. A Mishnaic list of wifely duties included grinding, baking, washing, cooking, suckling her son, making beds and spinning wool.³³ Work associated with females further extended to kindling fire, shoveling out of ovens, carrying water and selling.³⁴ Caring for infant siblings was another task that would have fallen to daughters.³⁵ Depending on the wealth of the household, these chores would have been relegated to maidservants, some of whom were no doubt young girls sold to slavery by their fathers.

³¹ B. Brooten, *Love between Women. Early Christian Responses to Female Homoeroticism* (Chicago 1996), 68, suggests that the father was concerned lest his daughters would not pass the test of maintaining the laws of family purity when they got married; Satlow, *Tasting the Dish*, 190–1, suggests a fear of attraction to same sex relations in the future.

³² PT Bet 1.2; BT Bet 17a; T. Or, *Massekhet Betsah. Text, Translation, and Commentary* (A Feminist Commentary on the Babylonian Talmud II/7) (Tübingen 2010), 94–9.

³³ M Ket 5.5 with M. B. Peskowitz, *Spinning Fantasies. Rabbis, Gender and History* (Berkeley 1997), passim, esp. 64–6 on wage producing labor; Labovitz, "These are the Labors."

³⁴ For full list, Or, *Massekhet Betsah*, 189 (index, s.v. labor of women).

³⁵ BT Shab 133b–134a on such tasks, especially caring for baby brothers following circumcision.

Of domestic duties that were the lot of daughters in many households in antiquity, baking bread for domestic consumption constituted a major contribution to the family's survival.³⁶ Grinding, listed first among Mishnaic wifely responsibilities, was particularly onerous since it involved carrying the wheat and grinding with hand grinders.³⁷ Several female tasks were performed in communal courtyards attached to dwellings where daughters came into contact with men unrelated to them.³⁸ In the litany of trades that mixed female and male realms, rabbinic arguments confirmed the presence of daughters in spaces that could not be kept wholly sequestered. There were female innkeepers, likely assisted by their young daughters.³⁹ And there were unmarried heiresses who inherited properties and who were engaged in commercial transactions which invariably involved mixed-sex company.⁴⁰

Outside the domicile, selling textiles was another domain of female labor. The Galilee was reputed for the linen garments sold by girls, who likely also produced it. In the south (Judaea) local girls and women sold woolen items.⁴¹ Specialized professions linked with females, such as midwifery, wet-nursing and professional mourning, had a long ancestry dating back to biblical times.⁴² Females also practiced hairdressing and teaching.⁴³ Professional wet nurses were in great demand and not within the financial

³⁶ M Ket 5.5; M Halla 1.7 (women providing bakers with dough in order to make leaven); 2.7 (women selling dough for offering in the market; S. Kraus, *Kadmoniut HaTalmud (Talmudische Archaeologie)*, II.1, 153–195 (bread baking) (Heb). On gendering of daily labor in Jewish society, Peskowitz, *Spinning Fantasies*, passim. See also Chapter 9.

³⁷ M Ket. 5.5; BT Ket 59b.

³⁸ D. Segal, *The Domestic Courtyard in the Land of Israel in the Mishnaic and Talmudic periods* (Bar Ilan, Ph.D. Dissertation 1999) (Heb) examines facilities such as ovens, stoves, grindstones, saddle quern (hand mill for grinding grain), framed grindstone and donkey mills. M Kid 4.14; T Kid 5.14 forbade men who had business dealings with women to be alone with them. The business included goldsmiths, carders, cleaners, peddlers, wool dressers, barbers, launderers and millstone chisellers.

³⁹ M Yev 16.7, B-A Rosenfeld, "Innkeeping in Jewish Society in Roman Palestine," *Journal of the Economic and Social History of the Orient* 41 (1998), 133–58 also noting Josephus' equation of innkeepers with prostitution.

⁴⁰ R. Brody, "The Woman who Inherited Property," *Talmudic Studies* 3 (2005), 110–29 (Heb).

⁴¹ M BK 10.9.

⁴² Ayali, *Workers and Craftsmen*, passim. For wet nurses elsewhere in the Roman world, K. R. Bradley, "Sexual Regulations in Wet-Nursing Contracts from Roman Egypt," *Klio* 62 (1980), 321–5. Cf. the wealth of information on midwives and wet nursing in early and medieval Islam, A. Giladi, *Muslim Midwives. The Craft of Birthing in the Pre-Modern Middle East* (Cambridge 2015), esp. 57–68 on midwifery as a craft; and Giladi, *Infants, Parents and Wet Nurses. Medieval Islamic Views on Breastfeeding and their Social Implications* (Leiden 1999), esp. on the equation of blood and milk, which generated lists of forbidden matrimony.

⁴³ BT Hag 4b refers to a hairdresser (lit. grower of woman's hair) and to children's nurse (lit. grower of infants) in a narrative context about the confrontation between Rabbi Bibi and the angel of death which recorded that Bibi's winning of extra years of life was due to the untimely death of a woman who injured herself in the course of raking an oven!

reach of all parents.⁴⁴ A rabbinic anecdote described how a poor man who was left a widower with a baby boy experienced the widening of his nipples like those of a nursing woman.⁴⁵ Miraculous as this clearly was, there was no agreement among rabbinic reporters whether the temporary shifting of gender roles was due to the man's merit or to his faults.⁴⁶ The story conveys palpable tension between the rabbinic ideal of maternal breasts and of substitutes for maternal milk which the rabbis ultimately judged insufficient. A baby whose mother died at birth and who was consequently passed from one wet nurse to another was compared to someone who purchased grain in the market rather than growing his own. Underlying these reservations was the conviction that "one who eats from his own is like an infant nurtured at his mother's breasts."⁴⁷

Professional dirge deliverers (*mekonenot*), whom already the prophet Jeremiah entrusted with mounting a performance that could move the public to tears (Jer 9:16–17), probably belonged to a guild of sorts.⁴⁸ In Roman Palestine, professional mourners were divided into praise deliverers (*safdanim*), who were all male, and female professional dirge deliverers whose cries were calculated to induce tears through sad songs and flute playing.⁴⁹

Expectations of economic contribution, efficiency and piety on the part of daughters bordered on the legendary. It was told that in the pre-70 past the girls of Galilean Sepphoris were so fast footed that they were able to spend a leisurely Shabbat in Jerusalem and to get back home in time to beat men on the way to the fig orchard, presumably for a day of

⁴⁴ In the Roman world, wealthy families habitually consigned babies to wet nurses. Contracts from Egypt point to two years of nursing, Soranus, *Gyn.* 2.47; B. W. Frier, "Demography," *CAH* 11 (70–192), 803; Laes, *Children*, 69–79. See also Chapters 6 and 7. Note, too, the reference to a wet nurse in the Damascus Document, which has been variously interpreted as a period during which a baby is nursed by a wet nurse while the mother undergoes purification, or as an exceptional circumstance, such as the death of the mother at birth, which called for the employment of a wet nurse, C. Wassen, *Women in the Damascus Document* (Leiden 2005), 56–8.

⁴⁵ Cf. GenR 1.1; 30.8; BT Shab 53b on Mordechai, the chief Jewish male character of the scroll of Esther, who is depicted as suckling Esther when no wet nurse could be found for her, an action which here is met with approval.

⁴⁶ BT Shab 53a, the miracle apparently occurring in Babylonia. The same miraculous functioning of the nipples is related in BT BM 87a, where Sarah's nipples opened to feed Isaac, a phenomenon contradicting nature since she was a very old woman. S. Kotek, "Wet Nursing in Jewish Sources," *Assia* 4 (1983) (Heb). Cf. the widespread employment of midwives in the Greco-Roman context, medical literature relating to such care, and the gap between professional care and folk medicine, V. French, "Midwives and Maternity Care in the Roman World," *Helios* 13 (1986), 69–84.

⁴⁷ ARN A 31.1.

⁴⁸ As may be surmised from a Mishnaic rule which banned women from serving as professional mourners (*mekonenot*) on new moons, Hannukah and Purim (M MQ 3.8–9).

⁴⁹ BT Ber 62a on an encounter in a public toilet between a rabbi and a professional male panegyrist.

work.⁵⁰ The daughters of Lod, a town much nearer to Jerusalem than Sepphoris, were apparently equally prompt and pious, capable of kneading dough at home, of rushing to Jerusalem to pray in the Temple and of returning home to take the bread out of the oven just in time!⁵¹

Daughters contributed to the economic viability of a household not only through their own labor but also through compensation exacted for injuries inflicted on them. Calculations of compensation had to take into account several factors: 1. the injuring agent, whether a father or a stranger; 2. the age of the child concerned, whether “big/mature” (*gadol*) or “small/minor” (*katan*); 3. its sex; and 4. whether at the time of the injury the injured child was maintained by its father or not. The underlying question was who stood to gain from the prescribed monetary remedies? The case of minor daughters stands out:

Rabbi Eleazar inquired of Rab: If one injures a minor daughter (*ketana*) of another, to whom should damages be paid (i.e. who “owns” the injury?). Do we say that since the Torah bestows on the father [the right to all] income derived from his daughter’s youth,⁵² he is also entitled to her injury (i.e. monetary compensation)? Why? Because (the injury) decreased her [bridal] value? Or does the Torah grant fathers only the income derived from their daughters’ youth (*shevach neurim*) because they can marry them off even to a leper (without providing a dowry)? Do we then conclude that since fathers have no right to inflict injuries on daughters, they are also not entitled to damages (resulting from injuries)? (BT BK 87a)

Since fathers were entitled to all income derived from their daughters’ labor but were also expected to provide for them till their marriage, a man who injured his own daughter was exempt from paying her compensation. If others injured her they had to pay him as long as she was a minor and dependent on paternal maintenance. The damages were kept in trust till she attained majority. If she was neither a minor nor a dependent the girl herself was entitled to receive the compensation for injuries which she had sustained. To estimate the size of the compensation it was necessary to calibrate the cost of maintaining the girl against the financial loss incurred through her injuries and the degree of pain suffered as a result of the injuries.

⁵⁰ PT Maaser Sheni 5.2 (56a) (= LamR 3.9).

⁵¹ Cf. a similar feat ascribed to a teacher of Magdala who, after arranging Shabbat candles on Fridays, used to go up to Jerusalem to worship, returning in time to light the candles before the start of the Shabbat, LamR 3.9.

⁵² *Shevach neurim*, usually interpreted as the money derived from her betrothal, BT Ket 46b, or the price of her virginity, since her rapist or seducer was bound by law to pay compensation.

A complication arose with fatherless children. Who was entitled to the income generated by the orphaned daughter's labor if she was a minor (*yetoma ketana*) who was maintained at the expense of the property inherited by her underage male brothers? According to a case brought to rabbinic arbitration, the girl's income was hers by "the right of the daughter" (*zechut ha-bat*) even though the inheritance was controlled by male heirs.⁵³ Moreover, male heirs, even if children, inherited the obligation of providing for female minor siblings.

Teaching Daughters Torah and Greek?

References to education or training of girls are rare. Since fathers were under no obligation to teach their daughters Torah, the question remained whether the mother could or ought to:

How do we know that she (i.e. a mother) is not under obligation to teach herself (so that she can teach her children)? As it is written (Deut 5:1): *and you* (m.pl.) *shall learn the Law* . . . And how does one conclude that others are not obligated to teach the mother (so that she can teach her children)? As it is written (Deut 11:19): *you will teach the Commandments to your sons*. And not to your daughters. (BT Kid 29b)

The triple exemption from the obligation of Torah, of fathers from teaching daughters, of daughters (and mothers) from teaching themselves, and of mothers from teaching their sons and daughters, paved the way to two diametrically opposed conclusions.⁵⁴ One left a tiny window of opportunity for voluntary learning and teaching, and the other imposed an insurmountable barrier between daughters and the Torah.⁵⁵

Notable exceptions met with instant opposition. When Ben Azzai, a sage who never married, recommended the teaching of selected Torah portions, above all of the pericope about the wayward wife (Num 5:12–31), the recommendation was instantly discarded:

Ben Azzai said: A man must teach his daughter the Torah so that if she has to drink (the potion meant to establish the guilt or innocence of a wayward wife/suspected adulteress, Num 5:12–31) she will know what merit may defer

⁵³ Newman, *Maasim*, 160.

⁵⁴ For the implications of these dicta in present day Israel, M. Elon, *The Status of Woman. Law and Judgment; Tradition and Transformation of the Values of a Jewish Democratic State* (Tel Aviv 2005) (Heb), esp. 102–18; and I. Sassoon, "Torah Study," in idem, *The Status of Women in Jewish Tradition* (Cambridge 2011), 100–18. See also Hauptman, "Women and Torah Study," and Chapter 6.

⁵⁵ Blatantly summarized in PT Sot 3.4: "better to burn the words of the Torah than to hand them over to women."

her punishment. Rabbi Eliezer said: Whoever teaches his daughter Torah teaches her lechery (*tiflut*)⁵⁶ . . . Rabbi Shimon said: Merit does not defer the ordeal of the bitter water . . . (M Sot 3.4–5)

At the heart of these conflicting opinions stood a paradigm that problematized the feminine gender. In the absence of a Temple as a stage of detecting concealed adulteresses, familiarity with the Torah, and particularly with its strictures on wifely behavior, was construed as a textual deterrent.⁵⁷ The wordplay on Torah and *tiflut* (law and lechery) reveals the feminine as a being to be on guard against. There is also a separation of paternal roles, with fathers duplicating their identity through sons yet also depriving daughters of learning. Ben Azzai's proposal was deemed preposterous because it insisted on a paternal duty that could not be reconciled with the feminine model that the rabbis promoted.⁵⁸

There were other interesting, indeed odd exceptions. A rule regarding matters of purity and impurity appeared to authorize selective reading of Scripture and scriptural exegesis during specific seasons:

Males and females with seminal or uterine discharge (*zavim*, *zavot*), menstruating females (*niddot*), and those after childbirth (*yoldot*) are permitted to read (*li-krot*) from the Torah and to study (*li-shnot*) mishnah, midrash, law (*halakhot*) and lore (*aggadot*). (T Ber 2.12)

It is a rather opaque recommendation. Should it be read literally as though during the periods of bodily impurity the rabbis encouraged a mental diversion with readings from Scripture and biblical exegesis? Taking into accounts that periods of female impurity could last for a good number of

⁵⁶ Various translated as “foolishness,” “triviality.” ⁵⁷ Sivan, “Revealing the Concealed,” ZSS.

⁵⁸ D. Weisberg, “Desirable but Dangerous. Rabbis’ Daughters in the Babylonian Talmud,” *HUCA* 75 (2004), 158 presents Ben Azzai as believing that women must be taught so as to understand the working of the law, since the study of the Torah ensures understanding and righteousness, even for women. Eliezer, by contrast, believed that women pervert the Torah they learn. M Sot 7.1 permits the pericope on the wayward wife to be said in all languages, an allowance that reflects not only the plurality of the languages spoken by Jews but also a concern to ensure that all sides are fully cognizant of the biblically anchored procedure. D. Boyarin, “Women’s Bodies and the Rise of the Rabbis: The Case of Sotah,” *Studies in Contemporary Jewry* 16 (2000), 95–7 on the Mishnaic context of the passage which strove to provide a new definition of who was a legitimate Jew, and on the differing interpretations of the PT (which seems to authorize teaching daughters the Torah) and the BT (which insists that only merit and not learning mitigates the suspected transgression). Similarly, Boyarin, “Torah Study and the Making of Jewish Gender,” in *A Feminist Companion to Reading the Bible*, ed. A. Brenner and C. Fontaine (Sheffield 1997), 585–621. On the role of a written Sotah scroll, M Sot 1–3 (Tos Sot 1–3), referring to a Temple priest who, as part of the process of detecting adultery, would have copied the engraved biblical text of Numbers 5 with ink so that it would wipe. The passage would then be read aloud in a language understood by the accused.

days each month, the recommended course of immersion might not have been entirely farfetched.⁵⁹

In a discussion regarding vows among friends, permission was granted to men to teach Scripture to the friend's children, sons and daughters alike (M Ned 4.3).⁶⁰ Two conditions appeared to authorize a temporary delving of girls into texts: the periods that involved the removal of females from the community due to bodily emissions, and the period of a father's friend vowing. Both contradicted the basic rabbinic assumption that illiterate domesticity is the chief attribute of females, from birth to death.⁶¹

Exceptions, such as a rabbinic aside on teaching girls Greek, strengthen the argument that the socialization of girls rested primarily on restrictions and on exclusion. Deviations were rooted in an asymmetrical pattern of gender distinctions that became the formative element of Jewish thought on female bodies and brains:

Rabbi Abbahu in the name of Rabbi Yochanan said: A man can teach his daughter Greek since it is an ornament for her. When Shimon bar Abba heard this he said: Because Rabbi Abbahu wants to teach his daughters (Greek), he ascribes the ruling to Rabbi Yochanan. Rabbi Abahu responded: May I be cursed if I lied. (PT Peah 1.1)⁶²

Fundamentally separate, the education of the ordinary female Jew excluded the acquisition of Greek, although one notes that the matter was left open. The discussion was placed within a context of a pedagogical debate over the merit or demerit of teaching one's children Greek, whether boys or girls. No discount was made for boys; the one proposed for girls was "vehemently disputed," an opposition that would have mattered little since females passed their lives within "domestic confinement."⁶³

⁵⁹ For a succinct summary of the issues connected with *zava* and *niddah*, T. Meacham, "Female Purity (Niddah)," *Jewish Women's Archive* (online).

⁶⁰ The absence of "daughters" from most manuscripts of the Mishnah may have been a deliberate omission, T. Ilan, *Jewish Women in Greco-Roman Palestine* (Tübingen 1995), 193 note 31.

⁶¹ S. Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden 1994), 244 on domesticity as constitutive of the female experience and identity of being Israel. S. Pantel-Zolty, "The Study of Torah by Women in Halakhic (Jewish Legal) and Extra-Halakhic Literature," in eadem, *And All Your Children Shall Be Learned. Women and the Torah in Jewish Law and History* (Northvale 1993), 115 regards the two passages as indications that girls may have received instruction in the reading of Scriptures as did boys. I am less certain.

⁶² Cf. PT Sot 9.16, G. Stemberger, "Einführung in die Tora-Pflichten eines Vaters aus Sicht der Rabbinen," in idem, *Judaica Minor I* (Tübingen 2010), 50–3 with the charming title of "Und was lernten die Mädchen?"; Hezser, *Literacy*, passim.

⁶³ Phrases borrowed from Stern, *Jewish Identity*, 181 and 243. Ibid., 179–81 on the meaning of "Greek" learning, wisdom, language, etc., and 241–3 on this passage.

The rabbinic debate about teaching daughters Greek emerged as a strange criterion for good daughterly conduct. How and why the acquisition of Greek would have added attraction to a chaste Jewish girl, as rabbi Abbahu claimed, remains undisclosed. His recommendation failed to clarify the identity and status of fathers, or mothers, capable and desirous of teaching their daughters Greek or what sort of ornament such a linguistic asset would have constituted.⁶⁴ To whom would daughters steeped in “alien wisdom” be attractive?⁶⁵

Greek was not absent from Jewish realms in Roman Palestine. It was, in fact, ubiquitous in cemeteries and synagogues.⁶⁶ Funerary texts spread throughout the vast cemetery at Beth Shearim in the Lower Galilee highlight both the spread and the limits of Greek literacy.⁶⁷ Only a handful of funerary inscriptions required more than the most rudimentary Greek. Exceptions, such as the epitaph in Homeric verses inscribed by a daughter named Zenobia for her mother, constituted a striking exception.⁶⁸ Throughout cemeteries in Roman Palestine, Greek abecedaries were dispersed as though testing the literacy level of viewers.⁶⁹ Perhaps these abecedaries fulfilled an

⁶⁴ Cf. the concept of education as an ornament for sons of the ruling elite at Rome, W. M. Bloomer, *The School of Rome* (Berkeley 2011), passim.

⁶⁵ Echoing Momigliano's book title.

⁶⁶ As has been noted long ago by S. Lieberman, *Greek in Jewish Palestine/Hellenism in Jewish Palestine* (New York 1994), and more recently by D. Sperber, *Greek in Talmudic Palestine* (Ramat Gan 2012), and Hezser, *Literacy*. On the ever-controversial theme of Greek and Hellenism in Roman Palestine see the review article of L. H. Feldman, “How Much Hellenism in the Land of Israel?,” *JSJ* 33 (2002), 290–313 and Sivan, “Review of F. Millar's *Religion*,” *JJS* 2016.

⁶⁷ Note the dispensation granted to members of the patriarchal family to acquire Greek to facilitate dealings with the government, not to mention the dispatch of youngsters to Antioch to study with Libanios. For the controversy surrounding the centrality and the precise function of the cemetery, whether it was primarily a local Palestinian one or one predominantly favored by Diaspora Jews see, recently, J. Magness, “Jews and Judaism in Beth Shearim and Dura Europos,” in *Religious Diversity in Late Antiquity*, ed. D. M. Gwynn et al. (2010), 135–65.

⁶⁸ M. Schwabe and B. Lifshitz, *Beth Shearim. II. The Greek Inscriptions* (New Brunswick 1974), 157–67 (no. 183), adding paleographical consideration to the dating. But see the reservations of N. Avigad, *Beth Shearim. III. The Excavations 1953–1958. Catacombs 12–23* (New Brunswick 1976), 77–8, about the degree of the Hellenization of Jews in Palestine and the Near East, as well as about the date. The name “Zenobia” appears on a late ancient (sixth or seventh century) cameo found in the ruins of the synagogue at Galilean Meroth and composed for the benefit of one Yossi son of Zenobia, J. Naveh, *On Sherd and Papyrus*, 146 (Heb) On this cameo see also Chapter 6.

⁶⁹ On abecedaries unearthed in various excavations throughout Israel, Hezser, *Literacy*, 85–7, 219–20, noting how thin is the dividing line between letters invested with apotropaic value and those serving school children in their exercises. Cf. Naveh, *On Sherd and Papyrus*, 14–15 on the use of abecedaries to mark masonry in either Hebrew or Greek letters (as at Masada and Herodion), or to mark vouchers, or as a system of physiognomic attributes (4Q186); and *ibid.*, 64 (writing exercises with Hebrew letters and names); 65–6 (alphabet as scribal test of writing instruments); 156 (repeated letters and partial abecedaries in amulets).

apotropaic function as amulets protecting the dead.⁷⁰ They hardly point to a grasp of Greek as they do to an ignorance that invested the unfamiliar with magical properties.⁷¹

Yet, a degree of familiarity with Greek could have been advantageous in case of daughters of wealthy families who were parties to contracts dealing with substantial properties. Although Babatha of Arabia was apparently illiterate, she likely possessed a fairly advanced level of oral comprehension of Greek.⁷² She appended her name to Greek texts which “spoke of marriage vows and settlements, of money and property and family quarrels over them, and of lawsuits real or threatened.”⁷³ The conspicuous bilingualism (Greek and Aramaic) of the archives of both Babatha and Salome Komais, and the involvement of other women in the recorded proceedings, suggest a tradition of oral literacy focusing on legalistic underpinnings of crucial contracts. Innocent of the art of writing, Babatha knew how to wield the accoutrements of legal literacy, in both Greek and Aramaic, in addition to the weapons of femininity (rich apparel, perfumes, etc.).⁷⁴

Just how threatening was the unaccustomed specter of an exceptionally learned female amid Torah experts may be surmised from the hi/story of Beruriah (early second century). The unnatural outcome of an indulgent parent and of an equally indulgent and erudite husband, Beruriah possessed dazzling erudition.⁷⁵ She was able to hold her own in all-male learned disputations yet failed the basic test of marital chastity. Contrary to Ben Azzai’s supposition that familiarity with the biblical verses on the wayward wife could prevent adultery, Beruriah’s undoubted mastery of the biblical text proved useless, even self-destructive. She allegedly committed adultery with one of her husband’s students. Upon detection she committed

⁷⁰ Naveh, no. 73, pp. 46–47; Cf. with the complete Hebrew abecedaries in catacomb 25 (not published).

⁷¹ On abecedaries as means to ward off potential grave robbers Avigad, *Beth Shearim*, 233–5.

⁷² Chapter 8.

⁷³ Y. Yadin, J. Greenfield and N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters* (Jerusalem 1989), 26, and Chapter 8.

⁷⁴ Yadin et al. 24, on her wealth, attested by the large number and excellent quality of the garments and houseware found in the cave, in addition to numerous references in the papyri themselves to properties and sizable sums of money. Cf. the excellent quality of textiles worn by refugees in other caves of the Judaeen desert, such as Murabbaat (c. 130 CE), P. Benoit et al., *Les grottes de Murabbaat (DJD II)* (Oxford 1960), 51–62.

⁷⁵ She is the subject of several Talmudic tales. Her ability to absorb the teaching of 300 rules daily was apparently countered by her inability to memorize genealogies. The figure of 300 is commonly used to denote depth of proficiency in the Law. Cf. BT San 68a, where 300 horns announce, or rather denounce, the birth of a *mamzer*, Chapter 5.

suicide.⁷⁶ Beruriah's breaking of the barriers erected around daughters' learning horizons shows that rabbinic daughters possessed an ineradicable identity, a fixed position that even an exceptional aptitude could not demolish. Teaching daughters Torah or Greek, or both, did not justify circumventing the distinct spheres allocated to daughters.

What were girls taught in order to prepare them for marriage, maternity and membership in the Jewish commonwealth? Rabbinic recommendations were bafflingly phrased in pairs of obligations versus exemptions:

Females, slaves and minors (*ketanim*) are exempt from reciting the (prayer of the) *Shema* and from wearing phylacteries (*tefillin*). They are (however) obligated to recite the (daily) Prayer, (to touch a) *Mezuzah* and to recite the Grace over food (*Birkat HaMazon*).⁷⁷ Whence is this so concluded regarding (exemptions)? (From the verse) *And you shall teach these* (divine precepts) *to your children* (Deut 11:19), your sons and not your daughters . . . Whence is this so concluded regarding minors? (From the verse) *so that the Teaching of the Lord may always be on your lips* (Ex 13:9). They are obligated to recite the Prayer to enable each and every one to ask for mercy individually; to affix/kiss a *mezuzah* since it is said: *and you shall write these words on the doorposts of your house and on your gates* (Deut 6:9); and to recite the blessing over food since it is said: *you shall eat and be content and bless the Lord your God*. (Deut 8:10)⁷⁸

A discourse that bonded women, minors and slaves delineated a domestic orbit in which these three categories formed a unity of exclusion, girls doubly so as members of (at least) two categories, female and children.

To justify the obligation of a *mezuzah*, the rabbis quoted the very verse (Deut 6:9) that contained the prayer that children, and females, were exempt from reciting. Ex 13:9, however, provided a tenuous justification for exempting children from the obligation of either phylacteries or the *Shema*.⁷⁹ Under what circumstances and for whose benefit would children

⁷⁶ Zlotnick-Sivan, *Dinah's Daughters*, 23–4. The story of Beruriah's adultery is medieval, narrated by Rashi, who may have derived it from earlier traditions. Cf. PT Git 45a: on Ecc 7:28 (*I detected one man in a thousand but not a single woman*) about the testing of the daughters of Rabbi Nachman who dabbled in witchcraft to conceal their adulterous behavior, which was finally revealed through the skills of a man versed in the language of birds (like the legendary king Solomon), J. Baskin, *Midrashic Women*, 33, 142–3.

⁷⁷ M Ber 3.3, Chapters 2 and 3. ⁷⁸ PT Ber 3.3.

⁷⁹ Alexander, "Women's Exemption from Shema and Tefillin," 531–79 links the performance of these rituals with internalizing the biblical text, thereby amounting to Torah study, a pursuit from which females were excluded. On this hypothesis, it is unclear why male children were excluded as well. Eadem, "Ritual on the Threshold: Mezuzah and the Crafting of Domestic and Civic Space," *Jewish Social Studies* 20, no. 3 (spring/summer 2015): 100–30. See the detailed analysis of M Ber 3.3,

recite the Benediction over Food (*Birkat HaMazon*)? By one opinion, a small son (*katan*), but not a small daughter, should recite it at home for the sake of their father.⁸⁰ Daughters, like sons, were expected to be able to say the blessing but not to teach it to their daughters.⁸¹

Faced with a purely literary reading of these texts we might complain about their repetitiousness. Daughters were inactive recipients of paternal ambitions; they were a pale reflection of father–son relations. A decisive view, articulated by Resh Lakish (third century CE), ultimately empowered fathers to provide education for their sons but exempted them from doing the same for their daughters (BT Naz 29a). The verb employed, “to educate” (*lechanech*), is crucial. It is a term intimately connected with the space which boys occupied from infancy as though privileged by birth and sex to gain entry into the world of Torah learning. Parents of a daughter were circumscribed by a different set of rules which stemmed from the appointed roles for females. Projections of parenthood ensured that the upbringing of daughters was rooted in the inseparable demands of virginity and maternity, the two pillars of the official male discourse about females, readily mobilized to curb parental imagination and daughters’ aspirations.

Marrying off Minors

The burden of guarding a daughter’s body from an unlawful invasion weighed on rabbinic fathers as much as it did on fathers around the ancient Mediterranean. It explained the relative rush which often accompanied paternal plans to betroth daughters in their childhood so as to get rid of so heavy a liability. Marriage at puberty guaranteed maximum use of the procreative years; marriage before puberty increased the likelihood that the girl would be a virgin at the time of marriage.⁸² The tendency to marry off minors may be gauged from occasional rabbinic expressions of disapproval. Shimon bar Yohai (second century, Palestinian) declared that a father who married off a minor daughter (*bat ketana*) was a triple transgressor who “lessens human reproduction, risks his family’s fortune, and incurs the

primarily relating to tefillin in Y. Cohn, *Tangled Up in Text: Tefillin and the Ancient World*, 106–20, esp. 118–19 and Chapter 3.

⁸⁰ PT Ber 3.3. Note the condemnation of a twenty-year-old man who needs the assistance of a child of ten to say the Benediction on his behalf.

⁸¹ BT Kid 29b with Archer, *Price*, 88.

⁸² T. Meacham, “Marriage of Minor Girls in Jewish Law: A Legal and Historical Overview,” in *Jewish Legal Writings by Women*, ed. M. D. Halpern and H. Safrai (Efrat 1998), 25.

guilt of bloodshed.”⁸³ Commenting on Leviticus 19:29 (*do not profane your daughter to cause her to become a prostitute*) it was stated that marrying off a young daughter to a much older man was like taking an adult wife for one’s infant son (BT San 76a–b). Delaying the marriage of an adult daughter (*bogeret*) in order to benefit from her labor for as long as possible was equally frowned upon. An ideal father was a man who led his sons and daughters along the right path and ensured their marriages just before they attain puberty.⁸⁴ A daughter’s age was a key. At three years and a day a female minor could be legally betrothed (M Nid 5.3). The norm, if there was one, may have been to arrange betrothal with the appearance of first signs of puberty.⁸⁵ Based on recent calculations of age at marriage, rabbinic recommendations regarding the age of girls at marriage were apparently taken with a grain of salt.⁸⁶

Paternal authority over daughters extended to making matrimonial arrangements that included the right to accept money or document of marriage on her behalf, as well as to agree to marriage through cohabitation regardless of her own will.⁸⁷ A father could even betroth a daughter before her birth:

If a man says to another man: if my wife falls pregnant and gives birth to a girl I will betroth her to you, the betrothal is invalid (since the girl had not yet been born and such an assurance is meaningless). But if the wife is visibly pregnant, the promise stands if she gives birth to a girl who is then considered as having been betrothed. (M Kid 3.5)

Betrothals could not depend on an as yet nonexistent reality, and least of all on the sex of the unborn, but they were deemed valid if the wife had been already pregnant when the husband made the commitment.⁸⁸

So consistent were efforts to ensure absolute paternal power over bodies, minds and income of daughters that the desire to wed girls as early as possible could result in utter confusion. A father blessed with a plethora of daughters whom he hastened to wed could find, to his consternation, that he had forgotten who was betrothed to whom:

[If a man says]: I betrothed my daughter but do not know to whom, and one man came to him saying: I am the one who betrothed her. He may be

⁸³ ARN B 48.8. It is perhaps in this context that the rabbinic dispensation of *moch* (vaginal tampon) not only to pregnant women and nursing mothers but also to minors is best understood, BT Yev 12b = 100b.

⁸⁴ BT San 76b. ⁸⁵ M Ket 5.2, Meacham, 31. ⁸⁶ Schremer, *Marriage*, passim; Chapter 2.

⁸⁷ M Kid 1.1; M Ket 4.4.

⁸⁸ PT Nidd 4 on rabbinic attempts to discern stages of pregnancy (*hakarot ubar*).

believed. But if two men claim to have betrothed the daughter, both must issue a writ of divorce for her. Or, if they prefer, one can issue a writ of divorce and the other can marry her. [If a man says:] I betrothed my daughter or: I betrothed and accepted on her behalf a writ of divorce when she was underage (*ketana*), and she is still a minor [at the time of these declarations], he is to be believed. If he says: I betrothed and accepted her writ of divorce when she was a minor and now she is an adult (*gedola*), he is not to be believed . . . If a man betrothed one of his daughters (and accepted the betrothal money without specifying which daughter) the contract is invalid if the daughter was an adult (*bogeret*). If a man has several daughters by each of his two wives and he says: I betrothed one of my older daughters but I have no idea whether she was the elder of the adult daughters or the oldest of the minor daughters (*ketanot*) or the youngest among the adult daughters because she was also older than the oldest of the minors daughters, all of his daughters are forbidden (i.e. all contracts are invalid). The sole exception relates to the youngest of the minor girls. This is the opinion of Rabbi Meir. According to Rabbi Yossi, however, they are all permitted, other than the oldest of the adult daughters.⁸⁹

How farfetched were such cases is difficult to assess. The multiple configurations reflect a household full of daughters of all ages and hasty paternal commitments to marry them off. If two suitors presented themselves as parties to a betrothal with the same daughter, both were encouraged to grant the girl a divorce so as to free her from the result of paternal forgetfulness. In theory, maturity or puberty entailed the right of girls to betrothal with a partner of their own choosing. The father's inability to remember the age of his betrothed daughter could potentially lead to cancellation of the arrangements made for his other daughters. Daughters were listed only by relative age in order to fit into specific patterns of paternal powers. The exegetical debate recorded in the Palestinian Talmud (PT Kid 3.7–10) over the Mishnaic passage quoted before this paragraph dealt primarily with the father's credibility since marital contracts involved monetary payments.

Even betrothal of adolescents could entail complications if contracted with minor males.⁹⁰ The following case (*maase*) illustrates rabbinic acknowledgment of the probability of a changed heart on the part of a female adolescent who had been affianced by her relatives to a child younger than she was.⁹¹

⁸⁹ M Kid 3.7–9; Cf. the apparent confusion during divorce proceedings due to a marriage with two females, one minor and one major, who bore the same name, M Git 3.1.

⁹⁰ Schremer, *Male and Female He Created Them*, 104–5.

⁹¹ Newman, *Maasim*, Case 59. There are two versions with slight variations, both of Palestinian, perhaps even Galilean, provenance.

A man went to betroth his son. He brought with him others [to serve as witnesses] during the betrothal negotiations with the girl's grandmother. Throughout, the girl herself (*naara*) stayed inside (i.e. in her room). When everything was settled in accordance with the grandmother's [wishes] and witnesses were present, they said: Let us consult the girl (*naara*). Her older sister went and told her (about the proposed betrothal) and reported that the girl said: Whatever my grandmother does, I accept. Days later when everyone gathered to celebrate the betrothal soldiers came. The ceremony came to an abrupt end and the celebrants fled before the betrothal was effected. Nor was the girl there. But she ate from the meat brought by the bridegroom and cooked in her home. The next day the grandmother died. The girl changed her mind and another man betrothed her. The father [of the first bridegroom] protested that she was betrothed to his son and witnesses confirmed this.

This is how the investigation proceeded: First [they establish the origins of the meat dish from which the girl had tested] by questioning the circumstances of its preparation and delivery. The messenger who [delivered the meat] declared that he was paid by the bridegroom's father to take the meat to the girl's home in his name and that the girl's sister took it. They then asked the girl herself whether she ate and she confirmed stating that: I asked my older sister whence the meat came and she said that it was our animal which was slaughtered because she had become dangerous. Since this was said by my sister I trusted her but she misled me. When she later informed me of the marital negotiations I told her that I found them unacceptable. She left and I have no idea what she relayed to them.

The girl (*naara*) was an orphan who has reached puberty. But the boy (*naar*) was aged eleven and prepubescent.

It was decided that the girl should swear in the presence of her older sister that she had not known that the meat dish had been sent by the boy's father in order to cement an engagement. Thereafter she would be free to marry whomever she desires without requiring a writ of divorce.

At the heart of this convoluted plot, with its dash of an unpleasant Roman intrusion, stood a dutiful granddaughter eager to please. When the offer of marriage was presented to her grandmother, the girl, like the biblical Rebekah (Gen 24:57–8), was formally consulted. Her words were considered a verbal commitment, constituting consent. A ceremony of consuming a meat-gift sent by the bridegroom's family followed.⁹² Thus far everything apparently proceeded according to familiar procedures. The girl is described as *naara* (adolescent), a category usually applied to

⁹² On this gifts (*sivlonot*), M BB 9:5 with Schremer, *Man and Woman*, 280–5, as well as on the problem of returning these in the case of cancelled betrothal; and Satlow, *Jewish Marriage*, 164–5. The custom resembled what the Romans later called *arrae sponsalicia*, an exchange of gifts as a ratification of a marital agreement, with C. Fayer, *La familia romana: aspetti giuridici ed antiquari* (Rome 2005), 95–102.

a girl in her twelfth year just past puberty. The boy is described as a *naar* of eleven and prepubescent.⁹³ It is not without significance that only a classification is applied to the female while the boy gains both an exact age and a classification.

Two unexpected events intervened. The death of the grandmother and the sudden intrusion of soldiers, enabling the betrothed girl to seize the opportunity to change her mind. To disentangle the bonds that ordinarily would have necessitated a legal writ of divorce to free the girl to marry another, the rabbinic court relied on the girl's artful innocence.⁹⁴ The arbitrators canceled the betrothal solely on the basis of the girl's oath. Her agency confirmed the rabbinic views of the validity of the vows and oaths of girls who have reached at least the age of eleven and a day.⁹⁵

Fatherless daughters could live with either their widowed mothers or, as the case above demonstrates, with their grandmothers. If the widowed mother remarried a gentile, the alliance cast a shade on the marital eligibility of her minor daughter:

A widow who was left with a (minor) daughter converted (to Christianity?) and married a gentile. The daughter spent considerable time in their household. A *cohen* (a man with priestly lineage) subsequently married the adolescent girl (*naara*). Is this marriage lawful? (i.e. what are its legal implications?). Because the girl spent time alone with a gentile (i.e. her stepfather) in his home, she is forbidden (in marriage) to one with priestly genealogy (Cf. M AZ 2.1). If (nonetheless) the girl (marries and) bears sons to her husband they will be allowed to marry all 'kosher' women, whether of priestly, Levite or Israelite lineage. If the couple has daughters (*banot*), they will not be able to marry men with priestly lineage, but they can marry 'Israelites'. Daughters subsequently born of an Israelite parent can marry men of priestly lineage.⁹⁶

⁹³ On these terms and the range of ages attached to them, Meacham, *Sefer haBagrut*, 17–24, 141, 270, and Chapter 2.

⁹⁴ T. Nid 6.2, with Y. D. Gilat, "Marriage of a Minor. Halakha and Reality," in idem, *Studies in the Development of the Halakha*, ed. I. M. Ta-Shma and I. Z. Gilat (Ramat Gan 1992) (Heb.), 23–49. Moscovitz, "Legal Capacity of Minors," 106 asserts that no extant rabbinic sources explicitly validated ordinary betrothal by minors, further claiming that references to boys of nine and a day imply the age of halakhic majority but not legal capacity of contracting betrothal, nor does the intercourse of a nine-year-old effectuate a valid ordinary betrothal which nevertheless is considered valid according to Torah law with regards to rules governing adultery. The case quoted here presents the father of the future bridegroom as the negotiator of the betrothal which consequently was considered legally valid. Had this not been the case, the court would not have had to rely on the girl's oath as the means of annulment.

⁹⁵ M Nid 5.4, Chapter 2. ⁹⁶ Newman, *Maasim*, no. 66, pp. 209–10.

“Redemption” for daughters came with the third generation, much slower than the course for redeeming sons. The solution offered above aspired to rearrange the order which had been disrupted by the widow’s actions. It provided a venue of gradual reincorporation of the daughter into Jewish society. A tacit assumption prevailed that the daughter had not followed her mother’s example and converted. The fact that she was wooed by a man of priestly lineage suggests that the religious arrangements of the mixed marital home were known in the community. Were the restrictions imposed on the marital prospects of the daughter’s children and grandchildren intended to discourage mixed marriage? A hypothesis emerges: the fate of daughters, even in the absence of their natural fathers, was still determined by the presence of a male in the domicile.

Early marriage could mean early widowhood, a situation that potentially involved the mechanism of levirate marriage. What if the brother of the deceased was also a minor? According to the Mishnah:

If a surviving brother (*yavam*), a minor, had intercourse with his widowed sister-in-law who is also a minor (*yevama ketana*) – let them mature together (till they become eligible to issue/accept a valid writ of divorce). If he had intercourse with an adult sister-in-law (*yevama gedola*), let her wait till he matures (since only then he can let her go validly). (M Yev 13.12)

At the heart of such discussions was the question of carrying on the name of the family. Hence the capacity of the minors to bear children, as yet unproven, had to be taken into account. According to one rabbinic opinion, a minor girl could engage in the rite of *halitza* (i.e. dismissed as potential bride) or enter a levirate marriage because if she was found to be barren (*aylonit*) there was no point in waiting for her to reach adulthood.⁹⁷ Other situations involving minors arose: what if a surviving third brother had intercourse with both widows of his brothers, one a minor, the other an adult?⁹⁸ Into what legal limbo do such acts (in which the girls may have been unwilling participants) plunge the widows, minor and adult alike?

The pressure exerted on parents, especially on fathers, to ensure their daughters’ marital eligibility was considerable. Good looks were a distinct asset. A girl’s fair skin was considered so advantageous that rich and poor alike resorted to depilation to achieve paleness, poor men applying lime

⁹⁷ PT 13.8. ⁹⁸ M Yev 13.11.

and flour to their daughter's skin, the rich using oil of myrrh.⁹⁹ According to Rabbi Hiyya (second-century Palestine and Babylonia), a man who desired his daughter to be fair skinned had to feed her young birds and milk.¹⁰⁰ In Babylonia a Rabbi Bibi reputedly dabbled in cosmetic experiments to whiten his daughter's skin, a venture that resulted in hefty bride prices.¹⁰¹ The absurdity of such experiments with plaster, if carried out by gentile imitators, was all too patent when an unfortunate daughter of Bibi's gentile neighbor died in the process. The bereaved father held Bibi accountable for her death. Bibi's colleagues advanced a curious defense, claiming that:

Bibi's daughter required this treatment because Bibi used to get drunk. Our daughters do not require it because we do not drink to the point of inebriety.¹⁰²

One can almost imagine a conversation between two drunken fathers as they exchanged ideas on how to increase their income by experimenting with the skin color of their daughters to suit the dictates of fashion. What the young girls themselves experienced as a result of this limb by limb treatment was not disclosed. Clearly the experiment could have ended tragically.

Matters of eligibility mattered, greatly, as did parental ambitions. Fathers were willing to risk their daughters' limb and life in the hope of promoting a useful match. Mothers were prepared to defy tradition and their own husbands over the selection of a bridegroom. In the family of Rabbi Abbaye, a famed Babylonian sage, his wife opposed the paternal choice of a bridegroom and was able to annul their daughter's betrothal, to arrange for betrothal with another man, and even to foil her husband's attempt to reverse this plan.¹⁰³

⁹⁹ BT Pes 43a; J. Preuss, *Biblical and Talmudic Medicine*, trans. F. Rosner (Lanham 2004), 368–9, and passim on other feminine means to achieve beauty and to maintain female hygiene.

¹⁰⁰ BT Ket 59b.

¹⁰¹ Cf. BT Shab 80a on the application of plaster (*sid*) to the hair – for girls who reached puberty, discussing the amount of plaster a person may carry on the Sabbath before violating the injunction against carrying items into a public domain. The limit is set at the quantity needed to “plaster the smallest of daughters.” T Shab 9.20 qualifies the statement by stating that this is the amount applied to a girl's smallest finger.”

¹⁰² BT Moed Katan 9b; BT Shab 80a; Weisberg, “Rabbis' Daughters,” 134–5, on delineation of daughters as both an asset and a responsibility, specifically as a source of income (hence an asset), as a source of danger (hence a problem) and of potential loss of income if ugly and difficult to betroth (hence a problem).

¹⁰³ BT Ned 23a, with Weisberg, 138 on the rabbi's double failure, to marry his daughter to his preferred groom and to control his wife.

Rabbinic expectations of paternal agency in matters of matrimony were apparently challenged on festive days, specifically the fifteenth of Av and the Day of Atonement, when the “daughters of Jerusalem” ventured in white to the vineyards in search of suitors.¹⁰⁴ The vision of a ritual dance in vineyards with young females seductively adorned to attract the male gaze was securely placed in a distant past, enshrined in a landscape to which Jews no longer had access. Amid rules governing female attire on the Sabbath in the second and third centuries CE, there is no reference to wearing white. Rather, Sabbath rules contained a series of restrictions aimed at modifying female appearances, including a grudging permission granted to minor daughters to leave home with specific hair ornaments.¹⁰⁵

How frightening for young brides would have been the transfer from parental to marital home can only be guessed. Since the sages emphatically recommended endogamy, marriage might not have invariably alienated daughters from the familial and the familiar.¹⁰⁶ A few rabbis provided a personal example by marrying their much younger nieces, a strategy calculated to cement existing familial ties, although some, like Rabbi Eliezer, proved resistant:

It happened that the mother of Rabbi Eliezer urged him to marry his niece. But he repeatedly said to her (his niece): My daughter, go and marry [another] man. She said to him: I am your slave maid. I am ready to wash your feet, my master (1 Sam 25:41). He married her but did not have sex with her till she sprouted two hairs. (PT Yev 13.2)

According to another version of the same story, Rabbi Eliezer raised his niece for thirteen years *in loco parentis*. During her childhood she shared a bed with him. When she reached puberty he encouraged her to marry a younger man but she refused until he relented, received permission to betroth her and had intercourse with her.¹⁰⁷

To avoid familial pressure some men undertook a vow of abstinence (M Ned 8.7). No description of intended brides is available to ponder the precise causes of voluntary celibacy. Perhaps the girl’s appearance or means did not conform to conventional male aspirations of marrying a beautiful, clear-skinned, well-proportioned and rich female. Perhaps the sudden ascetic simply preferred to stay single. Perhaps he could not afford to

¹⁰⁴ M Taan 4.8, Chapter 2. Cohn, “What to Wear?” 33–4. ¹⁰⁵ M Shab 6.6, see also Chapter 10.

¹⁰⁶ A. Schremer, “Kinship Terminology and Endogamous Marriage in Tannaitic and Talmudic Period,” *Zion* 60 (1995), 5–35 (Heb).

¹⁰⁷ ARN A 16.63 with J. W. Schofer, *The Making of a Sage. A Study in Rabbinic Ethics* (Madison 2005), 112–13.

enter matrimony. Whatever the reasons, such decisions met with public pressure to recant:

If a man vows not to marry a female because she is (reputedly) ugly and she turns out to be beautiful, or one with (reputedly) a blemished skin who turns out to be clear skinned, or a short who turned out to be well built, this vow was a mistake [and he can still marry her]. It happened that a man vowed not to marry his niece. They took her to the house of Rabbi Ishmael and beautified her. The Rabbi Ishmael addressed the reluctant man saying: My son. Is she the one whom you vowed not to marry? He answered: No. Rabbi Ishmael allowed him to marry her while crying and saying: The Daughters of Israel are beautiful but poverty makes them ugly. (M Ned 9.10)

Ishmael's poignant utterance about penury and ugliness reflected, perhaps, conditions prevailing in the middle of the second century, when marriage after the devastation incurred by the war with Rome was considered imprudent, particularly with an impoverished girl. Rabbinic intervention of the sort described here constituted remedial measures aimed at restoring normalcy.

The Right of Refusal or Minors Rejecting Marriage

One of the most original contributions of rabbinic thinking about fatherless female minors was the creation of a procedure called *me'un*, refusal, which enabled an underage girl who had been betrothed and/or married off by surviving relatives to, ultimately, reject the arranged match.

The house of Hillel addressed the House of Shammai as follows: a female minor (*ketana*) may refuse even four or five times [a match proposes by her relatives]. The house of Shammai responded: The daughters of Israel are not a piece of merchandise that passes from one hand to another. A minor must wait to refuse till she becomes an adult [when she no longer can exercise the right], or she may refuse and soon marry [and no longer allowed to exercise the right]. Who is a female minor who must refuse? Whoever was married off by her mother and her brothers with her knowledge. If they married her off without her knowledge she need not refuse [because the betrothal is invalid]. Rabbi Hanina said: Every girl (*tinoket*) who is incapable of guarding the tokens of her betrothal need not refuse [since the betrothal is invalid]. Rabbi Eliezer said: The act of a minor is meaningless, [nor is she considered married] but seduced. (M Yev 13.1-2)

Several considerations empowered a daughter/sister to reject the matrimonial plans hatched by her family, predominantly the fact that she was

a minor and hence her actions were devoid of legal validity. The implication is that once matured, a daughter could revisit her marriage, and even reject her husband without requiring a writ of divorce. Yet the only detailed case that specified the stage, rather than the age of refusal, involved a girl described as *naara*, a betrothal arranged by a grandmother rather than by a mother or brothers, and a minor bridegroom rather than a male whose age made no legal difference. The case of refusal hinged on the girl's claim that she had trusted her sister regarding the edible gift presented by the bridegroom's family. In other words, the fact that she had partaken in the gift did not signify her consent to the betrothal but rather her trust in her sister's word. Although it must have been obvious that one of the sisters was lying, the court severed the betrothal instead of sowing dissension between the siblings, now both bereft of their sole surviving relative (their grandmother).

A refusal (*meun*) had to be issued originally in writing, like a writ of divorce. It was later changed (c. 200 CE?) into an oral declaration, apparently to prevent confusion.¹⁰⁸ *Meun* could be implemented in two ways: either by becoming betrothed to another man, as did the girl in the case of the betrothal by her grandmother, or by uttering a formula in public, in front of either relatives or guests or just anyone who was present in the marketplace.¹⁰⁹ The formula was a simple declaration, such as: It is impossible for me to accept the betrothal that my mother and brothers had contracted. The Palestinian Talmud preserves an anecdote that illustrates the exceptional empowerment of female minors under these circumstances:

Once a minor girl (*tinoket*) went down to the river to do washing. They came and told her that her fiancé was coming by. She responded: Let my mother go and marry him. When the matter came to the rabbis they confirmed that this was a (legally acceptable) refusal. (PT Yev 1.1)

If these rulings appeared to espouse the cause of youngsters prone to fickleness, others nipped in the bud attempts to demonstrate independence. A refusal entailed the loss of the betrothal money (M Ket 11.6),

¹⁰⁸ BT Yev 107a–108b.

¹⁰⁹ BT Yev 108a. Apparently, the refusal had to be said in the presence of three witnesses, M San 1.3; BT Yev 107b. As to the age of the minor (*ketana*) who is allowed to refuse, there are several opinions. BT Ket 39a defines a girl (*ketana*) as one between the ages of eleven and one day and twelve and one day, yet other opinions allowed a daughter to refuse betrothal till she either shows "two [pubic] hairs," even if this happens when she is twenty, and even postpone her age of refusal till she sports "a great deal of black," BT BB 156a, Chapter 2. Cf. BT Nid 46a.

thereby engendering double deprivation for the girl's family – a reluctant daughter and loss of income.

Marrying off minor orphans had its own share of problems. What if a girl was not merely an orphan but also blind, deaf and mute, as well as beautiful and rich? In one such case the rabbis were determined to ascertain the girl's own will as well as to establish that her suitor was not a fortune hunter.¹¹⁰ Accordingly, the marriage proposal had to be conducted in public and in the presence of witnesses. The suitor had to deposit money in the girl's hands while fondling her breasts. Her reaction determined the outcome: if she smiled and held on to the money the gestures implied consent; if she dumped the money (perhaps also scowling), the gesture indicated rejection. To ensure the long-term viability of the marriage the husband had no recourse to divorce unless she committed adultery.

Situations arising from the plight of being an orphan, a minor and a widow also required the application of the mechanism of "refusal":

Two brothers were married to two orphaned minors (*yetomot ketanot*). The husband of one died [childless]. [How then do the rules relating to levirate marriage affect the widowed minor?] She may leave since she is the sister of the levir's wife (Lev 18:18). Similarly if both wives were deaf-mute, or one a minor, the other a major. If the minor lost her husband, her sister is exempt [from levirate marriage]. If the older sister lost her husband Rabbi Eliezer says: They should teach the child-sister to refuse [her sister's husband]. Rabbi Gamaliel says that: If she refuses, fine; if she does not, they should wait till she reaches maturity (*tagdil*) and (then) let her leave [without being subjected to levirate marriage]. (M Yev 13.7)¹¹¹

The absence of a paternal figure from this discussion highlights the complete absorption of a married minor into her husband's family as well as her fragile status, whether orphaned, disabled or both. Biblical injunctions outline the duty of the deceased's brother to marry his widowed sister-in-law in order to ensure the continuation of the brotherly male line. The Mishnah provided the child-widow with an apparent escape. Perhaps the allowance of teaching the mechanism of refusal represented a reality in which monogamy, sanctioned by the (Roman) law of the land, clashed with rabbinic desire to abide by biblical injunctions. Perhaps

¹¹⁰ *Maasim*, Case 14, Newman, 140–1. Cf. PT Ket 1.2 (25b) that ruled that husbands of deaf women could not inherit their assets upon their death. And Chapter 5.

¹¹¹ Weisberg, *Levirate Marriage*, passim, esp. 128ff. on the complexities engineered by the application of levirate rules in the case of sisters and the accompanying rituals.

economic realities drove the necessity to disentangle the obligations of both the surviving brother and the minor widow.¹¹²

How rare or common were the opportunities for a minor to reject a betrothal is impossible to gauge. Nor is it clear if, and how often, minor daughters were consulted about prospective grooms or minor sons about prospective brides. Marital alliances, when entailing negotiations and a contract, functioned primarily as economic transactions, dictated by monetary interests and not by emotional attachment. The rare reference to the beauty of a disabled orphan emphasized the commonality of such arrangements.

A Mind of Her Own? Suing Seducers and Self-Betrothal

The legitimacy of paternal control over the body of daughters was never doubted, nor was it specifically Jewish. It meant, *inter alia*, that an act of invasion such as rape constituted a double infringement – of the integrity of the female body and of the exclusive right of the father to its wholesomeness. Biblical prooftexts (Ex 22:16–17; Deut 22:23–29) prescribed death to rapists or marriage with the victim, prescriptions which emphasized not the age of the victim but her ruptured virginity. If the victim's father refused to countenance the proposed marital arrangement, the rapist was liable to financial penalties amounting to the size of the projected payment that the father expected to receive as part of the betrothal arrangements.

Rabbinic deliberations of seduction/rape of a virgin ignored the biblical distinctions of “city” and “countryside” as the determinant landscapes of the perpetrator's and/or of the victim's culpability or innocence.¹¹³ Instead they display a new understanding of sex crimes by focusing not only on damaged marital prospects but also on the suffering experienced by the victim herself.¹¹⁴ To begin with, distinctions were drawn between seduction and rape:¹¹⁵

¹¹² Weisberg, 42–3, concludes that the Mishnah understands *halitza* as a vehicle for establishing the status of a levirate widow, an approach adopted apparently by the amoraim of the PT who preferred *halitza* to levirate marriage.

¹¹³ Levine, *Marital Relations*, 313–33, on biblical and post-biblical concepts of rape.

¹¹⁴ On this shift between biblical and rabbinic approaches to seduction and rape, J. Hauptman, “Rabbinic Interpretation of Scripture,” in *Feminist Companion to Reading the Bible. Approaches, Methods and Strategies*, ed. A. Brenner and C. Fontaine (Sheffield 1997), 472–86; and eadem, *Rereading the Rabbis. A Woman's Voice* (Boulder 1998), 77–101.

¹¹⁵ Hauptman, “Rabbinic Interpretation,” 476, on rape as a newly coined term of rabbinic literature.

A seducer pays [compensation] on three accounts; a rapist on four. A seducer pays for the shame, and the blemish in addition to the prescribed penalty (*kenas*); a rapist also pays for pain inflicted on his victim. What is, then, the difference between the two? A rapist inflicts pain, a seducer does not. A rapist must instantly pay indemnity, the seducer only if he does not marry her. A rapist “drinks in the pot he made” (he must marry her and cannot divorce her). A seducer may either marry and if he does he may divorce her. (M Ket 3.4)

In the parallel section in the Tosefta, the observation that “forced sex and willing sex are not alike” was added.

No less significant was the emphasis on immediate payment by both seducers and rapists, taking into account that the victim herself may die:

What is the difference between the prescribed penalties which are instantly paid and those paid later? If she dies the instant indemnity is inherited by her father; if she gets married and then dies her husband inherits the later payments. (T Ket 3.6)

To explain the newly introduced concept of “pain” the Palestinian Talmud discussed forced sex versus willing sex:

One cannot compare [forced] sex on a dunghill to [willing sex] under the marriage canopy. How then does Rabbi Shimon understand [the biblical expression:] *because he violated (ina) her* (Deut 22:29). They said in the name of Rabbi Hisda: It refers to forcing sex on her atop a bed of thorns [hence the pain caused to the victim who must then be compensated]. (PT Ket 3.5)

In determining the size of the indemnity (*kenas*) to be paid to the father of a raped or seduced female it was necessary to consider biblical guidelines (Deut 22:13–29) and the victim’s age, particularly if she were a child and prepubescent:

A child (*ketana*) between a day and puberty can be sold [by her father] and hence is not entitled to indemnity. This according to Rabbi Meir who maintained that where there is sale there is no indemnity, and vice versa. The sages, however, maintained that a girl between three years and a day and maturity (*bagrut*) is entitled to indemnity. (T Ket 3.8; cf. PT 3.9)

The debate was refined in the Mishnah in light of paternal power since the father of a minor (*ketana*) had the legal power to sell her and to receive her price. No such authority extended to fathers of an adolescent daughter (*naara*) nor did fathers of a female adult (*bogeret*) possess the legal right to sell her or to receive compensation on her behalf (M Ket 3.8).

A striking novelty of the rabbinic approach to seduction and rape was the introduction of compensation to be paid directly to the victim for the

pain and shame inflicted on her. Projecting situations of victims suing seducers and rapists for failing to pay the prescribed indemnity, rabbinic calculations of its size considered several factors: 1. The girl's age when she launched and/or won the suit – was she an adolescent (*naara*) or an adult (*bogeret*), in other words did the rape take place during the six-month transition between childhood and adulthood or past that phase? 2. Was the victim's father alive or had he died by the time the victim launched her suit? Because the father or his male heirs were the prime beneficiaries of the prescribed damages for a rape it was vital to establish who, exactly, stood to gain in case of the father's demise.

If an adolescent girl (*naara*) was seduced, her shame, her tarnished reputation and her monetary indemnity belong to her father, as well as that for her pain. If she sued her seducer or her rapist and won before her father's demise, the compensation belongs to her father. If the father died, it belongs to her brothers. If she did not have a chance to sue prior to her father's death [but did so later], all compensation belongs to her. As long as she is not an adult (*bogeret*) whatever is won at court is her father's. If he dies, they belong to her brothers. If she did not have a chance to sue till she matured [but did later], the anticipated indemnity is hers. Rabbi Shimon said: If the father died before she had a chance to collect the prescribed damages, they are hers.¹¹⁶ Whatever she earns or finds, as well as the indemnity she had not yet received [belong to her father during his lifetime] and when he dies these belong to her brothers. (M Ket 4.1)

The Tosefta projected a situation of strained relations between seducers-rapists and the girl's father leading to his refusal to contemplate marriage. The refusal had to be countenanced by the daughter (T Ket 3.7; BT Ket 39b).

No discussion took place of parental neglect or of the circumstances that led to the seduction/rape. Nor was it clarified whether the father countenanced the raped daughter's decision to bring a suit against her rapist. Behind the allocation of the prescribed compensation was the understanding that as long as a minor was maintained by her father or her brothers, whatever she gained, including the indemnity that followed either rape or seduction, did not belong to her.

Specific as these rules were, there were cases of a rape which circumvented proper channels of marital negotiations, and even cases of females whose claim of being raped was distrusted and discredited.¹¹⁷ In one case

¹¹⁶ Note, however, a variant reading that is translated as follows: if she passed her girlhood before she could collect her dues, they fall to her.

¹¹⁷ Newman, *Maasim*, no. 17, pp. 144–5; no. 55, pp. 190–1, in neither case is the age of the raped disclosed. In no. 55 the plaintiff is termed "*isha*" (woman or female), possibly indicating an adult.

a rape was perpetrated in order to force marriage on the victim. The verdict authorized the rape-marriage but allowed the wife to divorce her husband. She stood, however, to forfeit the indemnity paid to rape victims, perhaps because she neglected to demand it prior to the marriage. In another case a man accused of a rape denied the charge. No witnesses were available to testify on behalf of one side or the other. The verdict issued through rabbinic arbitration allowed the rape victim to marry the rapist's brother! It seems that the rape was calculated to force the victim into marrying her rapist after she had initially consented to but later changed her mind. The absence of witnesses enabled the judges to annul the earlier marital agreement.

Quantifying damages for seduction and rape would have been a natural outcome of the economic role which daughters bore in the household economy. Besides suing seducers, other daughterly initiatives connected with monetary compensation required rabbinic attention. For example, what if a daughter betrothed herself? The prospect of self-betrothal ignited controversy about daughters' legal capacity to act as their own agents in either betrothal or divorce:

Rabbi Yochanan said: everyone agrees about the validity of the betrothal that the father effects.¹¹⁸ Rabbi Shimon ben Lakish declined [to accept the validity of a] marriage [if the girl had betrothed herself] claiming that: She cannot betroth herself and cause her father to lose the income accrued from her labor (*maase yadeha*).

Rabbi Hamnuna in the name of Rabbi Assi said: If a female child (*ketana*) upon reaching puberty betrothed herself, her father may exert the right of rejection (*me'un*) but not she. This, however, follows neither Rabbi Yochanan nor Rabbi Shimon ben Lakish . . . Everyone acknowledges [the legality] of the betrothal arranged by her father, but not of the one arranged by herself. However, if her father [tacitly] acknowledged [the betrothal that she had contracted while a minor], he still has the right to issue a rejection on her behalf. (PT Kidd 2.1)

Acting on the assumption that a minor's self-engagement was invalid (T Yev 13.2), the rabbis entertained the notion of paternal inactivity. Could paternal silence be taken as implied consent, thereby rendering the betrothal valid? Or should it be interpreted as a rejection? No consensus was apparently reached on this score. Perhaps the confusion stemmed from mixing categories of minority and majority and an implied lack of trust in the girl's own ability to determine whether she had indeed reached puberty.

¹¹⁸ As they do about the validity of divorce, M Git 6.2, which states that only the father is entitled to receive the writ of divorce but not the girl herself, if a minor, since she is deemed incapable of guarding it and of distinguishing between this writ and other official documents.

Pawning Daughters

Paternal authority over the body of minor daughters was never fully challenged, nor the father's right to sell a daughter to (temporary) bondage and to use her as debt guarantee (*mashkon*). The Hebrew Bible limits this form of slavery to seven years or less. The question of the aftermath, once the daughter is released, is never discussed. Yet the probability that the pawning father died during her bondage must have been ever-present. Once manumitted, what prospects of matrimony did an orphaned girl have? The future of freed daughters hinged on a simple yet crucial matter, namely what guarantee did her relatives have that she had not been sexually violated during her bondage. Once a match was arranged, no family desired to be confronted with an irate bridegroom claiming that his bride lacked virginity.

This seems to have been the background of the chilling reception that one unnamed girl, defined as a minor (*tinoket*), met when reunited with her family of origin. The setting was the city of Ascalon (Ashkelon) on the Mediterranean coast, inhabited by both Jews and gentiles. The girl's relatives voiced suspicions about her bodily integrity and her marriageability. Through rabbinic intervention two witnesses were summoned to testify about the wholesomeness of the girl's body:

The two witnesses affirmed that she was neither abused nor rendered impure. The sages then said to her family: If you believe that she had been bonded you should accredit those who affirm that she was neither raped nor rendered impure. If you do not believe that she was neither abused nor rendered impure, then do not believe that she had been bonded. (M Edd 8.2)¹¹⁹

The circumstances that led to contracting the paternal debt and to the original severance of the girl from her family were not disclosed, nor likely to have been unusual. The absence of a father figure from the events indicates that he died while she was in bondage. Her family assumed that she had been sexually abused and hence she had become a liability rather than a potential marital asset.¹²⁰ She was denied readmission into the familial fold, a deadly situation which the sages attempted to rectify. In the absence of a legal

¹¹⁹ It is unclear whether the house where the girl served was Jewish or gentile. The omission may have been deliberate.

¹²⁰ S. Morr, "The laws regarding a captive woman: different values in Jewish culture between the second commonwealth and the Talmudic era," *Shenaton HaMishpat HaIvri (Annual of the Institute for Research in Jewish Law)* 23 (2005), 193–224, esp. 210–11 (Heb) on the family's priestly lineage.

mechanism to enforce familial acceptance, the attempted rabbinic resolution adopted a triple strategy: shaming the family's distrust of the girl, using the evidence of two respectable witnesses and ridiculing the family's fear of pollution. Had the family persisted in rejecting the girl? Did the rabbinic ruse prevail? Or did the girl suffer, in addition to the indignity of slavery, social isolation and dim marital prospects?¹²¹

Putting a Face on Daughters

What did young girls look like? Rarely can one put a face on daughters. Although the Hebrew Bible, for example, abounds in stories of dutiful and undutiful daughters, they usually come without a name, an age and often also lacking a mother. If described, they are simply called beautiful, like Esther. Perhaps the anonymity surrounding biblical daughters was calculated to drive home either the rarity or the banality of their story. Take, for example, Jephthah's daughter of Judges 11, who was condemned to die young and virgin.¹²² The biblical narrative ends with a scene describing how she and her friends left for the mountains to prepare for her inevitable deadly end. Biblical interpreters were eager to fill the gaps left by the concise biblical story. In one case the girl was endowed with a name and even a mother, her own voice and a lament over her approaching fate and its effect on her parents.¹²³ As though doubting the biblical order of events, a later interpreter speculated whether a dog or a daughter had been the first to greet Jephthah upon his victorious return.¹²⁴

In late antiquity, decorative elements used in public and private spaces bore female figures which were probably construed on the basis of pictorial conventions.¹²⁵ The possibility that these images were more than

¹²¹ Cf. M Ket 2.5–6, on women taken captive who testify that they did not have intercourse with their captors. Self-testimony was accepted in the absence of witnesses. Cf. BT Ket 23a on the skillful protestation of innocence by women who happened also to have been daughters of a sage.

¹²² With Zlotnick (Sivan), *Dinah's Daughters*. Note the repeated emphasis on "daughter" in the narrative.

¹²³ Ps. Philo, LAB 40; C. A. Brown, *No Longer Be Silent. First Century Jewish Portraits of Biblical Women* (Louisville 1992), where the episode is dated to post 70 CE and the story of the fallen virgin is compared with that of the fall of Jerusalem in 70. See also R. S. Kraemer, "Jewish Mothers and Daughters in the Greco-Roman World," in *The Jewish Family in Antiquity*, ed. S. J. D. Cohen (Atlanta 1993), 89–112, esp. 93. On Josephus' recasting of the tale, about the same time, L. H. Feldman, *Studies in Josephus' Rewritten Bible* (Leiden 1998), 182–92.

¹²⁴ LAB 39. Rabbinic literature is markedly indifferent to the story. Among a handful of references to Judg 11 are ExR 15.4 and GenR 60.3 which focus on the clash between the paternal vow, its implication, and its execution. See also Lev R 37.4.

¹²⁵ R. Talgam, *Mosaics of Faith*, for a comprehensive survey with magnificent illustrations. Chapters 6 and 7.

mechanical replicas of original models has been recently raised.¹²⁶ Perhaps, then, mosaics, like those embellishing the synagogue in Galilean Sepphoris (fifth century), depicting the four seasons as female busts, a popular theme of Mediterranean decoration, may have borrowed details from both the specific and the generic. In other words, although based on established models, female figures and faces possibly contained a deviation designed to accommodate and to reflect the immediate environment, as well as the taste of their audience. Thus the season-female dubbed “Mona Lisa of the Galilee” likely conformed to a pan-Mediterranean repertory while also containing a tinge of the localized and the individualized. Whether these further reflected rabbinic or local ideology of female beauty is impossible to ascertain. The derivative character of the decoration would have served as an ironic complement of the derivative character of daughters in ancient Judaism.

Summary

Daughters represented a double deviance from the norm by virtue of their material contribution to household economics, which entailed exposure to the public eye, and their femininity which required sequestration. Dealing with ideals and realities, rabbinic references to daughters had to navigate between changing circumstances and the perennial desire to abide by Torah rules. Rabbinic resolutions demonstrate how rabbis renegotiated the canonical image of the obedient daughter-turned-loyal wife-turned-dutiful mother in the context of remolding Jewish identity, of unexpected national crises, and of the growing marginalization of Judaism under increasing pressure of the Roman-Christianized environment.

A daughter's childhood was a story of grooming toward the goals of becoming a wife of a Jew and a mother of another. Already from birth the childhood years constituted continuous exposure to hazards. Read as a narrative of an exile, from the study room, from public eye and from paternal inheritance, transitions to adolescence and to maturity highlight the ambiguity of daughterly existence. Daughters' anonymity was hardly ever breached in literary sources. Nor was their mother's identity. In the seemingly unbroken chain of wisdom from the Bible to rabbinic Palestine the name of a citizen implied an overdetermination of masculine values,

¹²⁶ J. Trimble, *Women and Visual Replication in Roman Imperial Art and Culture. Greek Culture in the Roman World* (Cambridge 2011), esp. 153f. See also the review of this book by E. Perry, in *BMCR* 2012.08.07 (online).

a reinforcement of filial bonds and its concomitant loosening of daughterly attachment.

In Jewish society under Roman rule, daughters were invariably caught between belonging to the other sex and their difficult integration into the household, an ambiguity created by the invention of Eve. As a collectivity, daughters embodied personal and national aspirations because there could be no Jews without Jewesses. Such expectations instilled fears of “performance.” Throughout the land females deposited coins in “wishing wells” in order to guarantee the fertility of their womb, perhaps even in the hope of securing sons.¹²⁷ The specter of sterility, implied by Ben Sira and reinforced by the rabbis, continued to exert its threat over daughters who failed to carry out the appointed course of their prescribed lifecycle.

Focusing on males alone proved a poor method to seek to reconstitute Jewish identity. Just as daughters could not be entirely ignored nor could accidentals. The problem of what made a man a complete Jew remained because no genealogy could be constructed solely of perfectly shaped, legally birthed adult males. Between sons and daughters, children and adults, was a species marked by aberration, either from the norms governing marital sex or from the stereotypes of the pure Jewish body.

¹²⁷ Y. Hirschfeld, “The Fountain of Fertility at Ramat HaNadiv,” *Qadmoniot* 116 (1998), 109–16 (Heb) on a wishing well near Caesarea. The ethnic identity of the coin throwers cannot be established. Most of the coins belong to the sixth century CE.

Burdened at Birth
The Misbegotten and the Malformed

Rabbinic discussions about the acquisition of Jewish identity depended on delineating the boundaries of bodily im/purity and of matrimony, among other inclusive criteria. Children born either of illicit sexual relations or with visible imperfections constituted an image of defiance, a reflection of relationships of nonconformity and of permutations of parentage. A Jewish child inherited a twofold identity, an individual determined by parents and a collective regulated by faith and fatherland. The Hebrew Bible banned “bastards” for generations from participation in communal worship. In Roman Palestine this uncompromising dictum required modification. Abnormalities detected at birth or in childhood likewise entailed an analogous process of carving a place for those blighted by defects in a society that continued to promote the integrity of the Jewish (male) body.

Judaism, indeed the very survival of God’s creation, depended on procreation, as plainly attested by the divine command issued to the newly created humans (Gen 1:28).¹ But Scripture did little to reconcile the order to procreate with the Levitical list of forbidden sexual alliances. How, then, did the desire to procreate shape children born of banned unions and what ramparts were erected to protect the purity of the marriage bed and of childhood?

In order to gain insights into the social world of the misbegotten and the malformed this chapter focuses on childhood branded by legal, physical and mental disabilities. I trace out the winding paths of the particular discourse of the birth of “bastardy” and of other “misfits” or “miscreants,” in order to evaluate the aberrant in the context of perennial biblical and rabbinic concerns for posterity, purity and legality. I am dealing here with genealogical and genetic flaws formed primarily at birth, the former indeed as early as conception.

¹ J. Cohen, “*Be Fertile and Increase, Fill the Earth and Master It*,” passim; Sivan, *Dinah’s Daughters*; and eadem, *Between Woman, Man and God*.

It is no easy matter to glean the life of a child burdened by disabilities. Definitions of disability and deformity are often culturally determined, a factor that renders comparative perspectives useful while heightening the context in which these phenomena were discussed.² Legal precepts relating to birth defects did not delve into their reasons unless they were directly related to marital matters and to priestly eligibility. The child's own perceptions ultimately depend on projecting our own understanding unto the world that sought to integrate such aberrations or to ignore them altogether.

Birthing Bastardy or Sex Goes Wrong? Childhood in the Shadow of Illegitimacy

A proselyte once approached Rabbi Yose and asked him: Am I permitted to marry a *mamzer* (a "bastard")? The rabbi responded: Indeed. The proselyte repeated the question to Rabbi Yuda who likewise said: Indeed. But (Yuda added) you must know that the sons of a man who marries a *mamzerta* are deemed "bastards before heaven" (*mamzerim komei shamaiah*). The proselyte returned to Rabbi Yose and said to him: Surely you have known all along that this is the case. Why, then, did you endorse my quest? Rabbi Yose responded: I only answered the question that you had posed. A proselyte is like cotton. It is permitted to mix cotton with wool, and even with linen, but not wool with linen.

(PT Kid 3.14)

Concluding with a double lesson for a male in love this quaint anecdote drives home the importance of verifying the birth status of one's intended bride and of ascertaining the status of the children whom she will bear. Yet, had the proselyte attempted to delve into such matters he would have been plunged into a chaotic territory littered with contradictory rabbinic opinions. Eligibility and the preservation of lineage determined the membership of the offspring in the community. "Bastards" belonged to a gray area, not quite fully merged into conventional Jewish categories of "Israelites," priests and Levites, yet Jewish nonetheless.

² C. Laes, "Raising a Disabled Child," in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 125–44 for an excellent introduction. On terminology see R. Garland, *The Eye of the Beholder. Deformity and Disability in the Graeco-Roman World* (Ithaca 1995), passim. For the Jewish context, J. Z. Abrams, *Judaism and Disability*. A growing number of recent publications address issues of disabilities in antiquity, rarely, however, focusing on children. Among several, *Disability in Antiquity*, ed. C. Laes (Abingdon 2017); *Disabilities in Roman Antiquity*, ed. C. Laes et al. (Leiden 2013); *This Abled Body. Rethinking Disabilities in Biblical Studies*, ed. H. Avalos et al. (Atlanta 2007).

Transgressions bred bastardy. Where “mixed” marriage took place, namely an alliance of problematic partners, the child followed the status of the “defective” or “inferior” parent.³ An “Israelite” male who married a *mamzer* produced more *mamzerim*. The very term *mam-zer* was coined, according to one rabbinic etymology, to denote both an impediment or disability (*mum*) and foreignness or a state of otherness (*zar*).⁴ In this semantic field a bastard was a foreign body or a defect due to a behavior which was fatally foreign to trumpeted moral standards. Children labeled as *mamzerim* would have to labor throughout life under a double disadvantage, one inflicted at conception through sexual misalliance, the other at birth through the permanent stain of bastardy.

In this game of words, bastardy was inextricably entangled in the rabbinic edifice of sexual regulations. The rabbinic catalogue of ineligible partners with whom sex invariably led to the birth of bastards was long and controversial.⁵ There were also “sort of bastards,” a determination dependent on the status and behavior of the mother, specifically on the manner of female participation in the sexual act.⁶ To add a deterrent to discouragement, the rabbis claimed that the lifespan of children born of sex with ineligible females did not exceed thirty days.⁷ Short and bitter, it would appear, was the joy of unsanctioned sex.⁸ From rabbinic point of view, the presence of bastards in the community embodied a twofold threat, one of

³ M Kid 3.12, Sivan, ZSS and REJ. On purifying possibilities of *mamzerim* see M Kidd 3.13 and this chapter.

⁴ PT Kid 3.14. On other possible etymologies, S. Fishbane, “The Case of the Modified Mamzer in Early Rabbinic Texts,” in idem, *Deviancy in Early Rabbinic Literature* (Leiden 2007), 5.

⁵ “There are ten (or nine) (categories of children) who are sort of *mamzerim* yet legally they are not. These are children of maidservants, of hated wife, of menstruating wife, of the excommunicated, of mistaken identity (i.e. a woman who is believed to be another), of dissension, of a drunken woman, of a soon to be divorced wife, of promiscuity, and some say also of a woman who sleeps (during intercourse).” *Massekhet Kallah* 10 apud M. Higger, *Massekhtot Kallah* (New York 1936), and D. Brodsky, *A Bride Without a Blessing* (2006), 170–1, on the date, the first half of the fourth century CE, and 137ff. for discussion. For a brief discussion, Fishbane, “Mamzer,” 4–15, suggesting an ever-narrowing definition of a *mamzer*. On interethnic marriage and its consequence, C. Hayes, “Genealogy, Illegitimacy and Personal Status: The Yerushalmi in Comparative Perspective,” in *The Talmud Yerushami and Graeco Roman Culture*, ed. P. Schäfer, III (Tübingen 2002), 89, esp. 78–83, arguing for rabbinic leniency vis-à-vis children of mixed ethnic (Jewish-gentile) and status (free-bonded) alliances. On the Roman legal context of determining illegitimacy, J. Evans Grubbs, “Making the Private Public. Illegitimacy and Incest in Roman Law,” in *Public and Private in Ancient Mediterranean Law and Religion*, ed. C. Ando and J. Rüpke (Berlin 2015), 115–42.

⁶ Soranus, *Gyn.* 1.39.2 with Brodsky, *Bride*, 140.

⁷ PT Kid 3.14; PT Yev 8.3, a lifespan echoed in PT Yev 8.1, which lists the dangers faced by all babies during their first month of life and regardless of their status at birth, not the least circumcision. See also Chapter 3.

⁸ Implying that the problem of *mamzerut* no longer existed, H. Maccobi, “The Mamzer,” in idem, *The Philosophy of the Talmud* (London 2002), 222–4.

inadvertent inclusion in families boasting “pure” lineage, the other of their marital eligibility.⁹

From birth to death a *mamzer* was a member set aside, a Jew yet not Jewish enough to qualify for full membership in a community that put a premium on purity of blood and birth.¹⁰ That the phenomenon of children born outside prescribed marital zones was not rare is reflected in numerous references to *mamzerim* in rabbinic compilations, as well as in rabbinic efforts to “purify” *mamzerim*.¹¹ The childhood, however, of either girls or boys branded as *mamzerim* was rarely described. Rabbinic reticence hints at a childhood indistinguishable from that of all other children.

A vignette inserted into a reconstructed context of pre-70 CE Jerusalem provides an ambiguous paradigm. Following reflections on the consolation that in time of trouble a man could derive from the presence of his sons, the “story” of a single *mamzer*, likely a child, was calculated to drive home a striking asymmetry between sons begotten in sanctioned wedlock and sons engendered in sin:

They say to a man who transgressed and bred a bastard: Deluded man! You hurt yourself and you hurt him. This *mamzer* of yours would want to study the Torah with those [children?] who study in Jerusalem . . . Had he, however, left Jerusalem in the company of his peers who headed to Ashdod (a coastal city linked in the Bible with the Philistines) he would have been stuck there, neither able to return to Jerusalem nor to rejoin others in the study of Torah, as it is said: *And a mamzer shall settle in Ashdod. I will uproot the grandeur of the Philistines.* (Zech 9:6) (ARN A 12.54–5, Schechter)¹²

Bastardy, then, drove a wedge into familial and social configurations. Before plunging into sex leading to bastardy a man had to reflect on the fate of his would-be children. The mini sermon just quoted described the

⁹ Among modern discussions of Jewish bastardy, J. Levitsky, “The Illegitimate Child (*mamzer*) in Jewish Law,” *Jewish Bible Quarterly* 19 (1989), 6–12; D. Katz, “The *Mamzer* and the *Shifcha*,” *The Journal of Halacha and Contemporary Society* 28 (1994), 73–104; S. M. Passamaneck, “Some Medieval Problems in Mamzeruth,” *HUCA* 37 (1966), 121–66; E. Spitz, “Children as Pariahs? A *Teshuvah* on *Mamzerut*,” *Conservative Judaism* 53 (2001), 69–84; M. Bar Ilan, “The Attitude toward Mamzerim in Jewish Society in Late Antiquity,” *Jewish History* 14 (2000), 125–70.

¹⁰ See the convenient table summarizing rabbinic opinions regarding *mamzerut* in C. Touati, “Le *mamzer*, la *zona* et le status des enfants issus d’un mariage mixte en droit rabbinique” in idem, *Juifs au regard de l’histoire* (1985), 44–5.

¹¹ M. Zemer, “Purifying mamzerim,” *The Jewish Law Annual* 10 (1992), 99–114. Note the sarcastic comment in BT Kid 70b to the effect that “money purifies *mamzerim*.”

¹² The transmission and redactional processes of the text(s) are complex and controversial. For a synoptic edition, H.-J. Becker, *Avot de-Rabbi Nathan. Synoptische Edition beider Versionen* (Tübingen 2006), esp. 136–7. The original passage is rather unclear, and the age of the *mamzer* is not discussed.

childhood of a *mamzer* as one conducted in the margins of children's society. Yet the text also suggests that children branded as *mamzerim* would have benefited from the same schooling accorded to their "kosher" peers, as long as they remained rooted, and presumably known, in the location where they had been misbegotten. Bastards, then, inhabited an ambiguous zone, one with its peculiar rules and regulations. Violation, even inadvertent, rendered the *mamzer* a pariah, an object to be removed from the community where s/he had grown up. The biblical verse (Zech 9:6) adduced to explain the harsh fate of the misbegotten had little bearing on the circumstances conjured. It was, however, one of only two biblical references to bastardy.¹³ The rabbinic idealization of learning and of Jerusalem used Ashdod as a symbol representing the precise opposite of these two tenets. Philistine Ashdod constituted a gentile city par excellence; its Philistine inhabitants stood for idolatrous boorish gentiles.¹⁴

The story of the hypothetical *mamzer* between Jerusalem and Ashdod reflected rabbinic concerns over bastardy and its potential remedies. One side, represented by Rabbi Meir, asserted that there were none for bastardy.¹⁵ The other side, represented by Rabbi Yose, favored remedial measures entailing purification so as to pave the way to the eventual inclusion of bastards in the community.¹⁶ To bolster the latter position the rabbi added the wry comment that Israel stood to lose a significant number of its members if each and every *mamzer* were to be counted, and removed.¹⁷

Such anecdotes would have had little bearing on legal definitions of *mamzerut* and on their applicability to a *mamzer's* childhood. When Rabbi Akiva attempted to advance a lenient view of the birth of bastards by narrowing the list of banned sexual unions, his opinion was dismissed in favor of a return to the sweeping restrictions of Leviticus.¹⁸ Leviticus 18 lists forbidden "mixed unions" and their heavenly inflicted penalties.¹⁹ In the Levitican flight of rhetoric those born in "pure" wedlock were the only citizens who legitimately belonged to the community. There are, however,

¹³ Zech 9:6; Deut 23:2. ¹⁴ Cf. Fishbane, "Modified Mamzer." ¹⁵ PT Kid 3.13; BT Kid 72b.

¹⁶ M Kid 4.1; BT Kid 72b.

¹⁷ BT Kid 72b; on this debate see W. F. Smelik, *Rabbis, Languages and Translation in Late Antiquity* (Cambridge 2013), 341–5.

¹⁸ Lev 18: 25; Banned alliances included, pace Akiva, 1. a man and his ex-wife even if she was divorced from her second husband or widowed 2. a man and his former sister-in-law after she had released him from levirate marriage (presumably since he had been married already when his brother died); 3. a man and a close kin relative of his former sister-in-law (M Yev 4.12).

¹⁹ On rabbinic reception of these verses, D. Brodsky, "Sex in the Talmud. How to Understand Leviticus 18 and 20," in *Torah Queries*, ed. G. Drinkwater et al (2009), 157–69.

no biblical references to the fate of children born in unholy matrimony or to their status. Perhaps the reticence stemmed from an underlying assumption that a timely penalty of the errant couple would prevent the birth of bastards.

A rabbinic *mamzer* became a child born of every incestuous bonding which, according to Leviticus, was bound to be extirpated by heaven (M Yev 4.12). Notwithstanding celestial intervention, the debate over the identity and nature of bastardy was not purely theoretical. The stain of conception already cast a child as an intruder, a live offense against Torah dictates. The problem that faced rabbinic minds in Roman Palestine was the fact that Deuteronomy's pronouncements regarding bastardy failed to provide guidelines for the upbringing of *mamzerim*:

Let no one with crushed testicle be admitted. Let no *mamzer* be admitted to the congregation of the Lord. Nor even its tenth generation be admitted to the congregation of the Lord. Let no Ammonite or Moabite be admitted to the congregation of the Lord. Not even in the tenth generation will they be admitted to the congregation of the Lord. (Deut 23:1–5)

The Deuteronomic juxtaposition of impaired penises with bastards, and these two with enemies of ancient Israel, reduced disparate categories to an essence of ritualistic impurity. The permanent exclusion of *mamzerim* from the community of the “children of Israel” was left without explanation. By virtue of textual proximity, the stain of bastardy was coupled with birth defects, specifically with males born with defective reproductive organs. Should we further indulge, on the basis of the biblical passage, in a scale of disabilities, beginning with dysfunctional bodily organs, continuing with incomplete Jews born in sin, and concluding with people permanently disabled by virtue of being gentile?

Idealized families were untainted by bastardy. It was an ideology that had driven the withdrawal of the Qumran group from Jerusalem and its Temple-centered community in the second century BCE. On the shore of the Dead Sea the sect engaged in chastising the priestly guardians of Israel's purity who neglected to abide by biblical guidelines of exclusion, reaffirming its strict adherence to the Levitical rules.²⁰ Behind its orthodoxy of collective purity stood the biblical association of bastardy with visible disabilities, as though the concealed and the revealed could never be

²⁰ MMT 394–7. Text in E. Qimron and J. Strugnell, *Qumran Cave 4. Miqsat Maase Ha-Torah* (DJD X) (1994), 50–2 (c. 150 BCE). See also H. von Weissenberg, *4Q MMT. Reevaluating the Text, the Function, and the Meaning of the Epilogue* (Leiden 2009), passim.

apart. What, then, if a bastard was born?²¹ Did the community take steps to detach the child from its biological family, denying her/him rights of full participation in rituals and inheritance?²²

Because the Hebrew Bible neither defines nor identifies “bastards,” the omission raised questions of timing and of cause. When and why did the canonized identification of *mamzerim* as children of unsanctioned unions emerge and when did it become a norm?

According to rabbinic calculations, the Babylonian returnees under Ezra and Nehemiah numbered “bastards” and other marginal groups, such as freed slaves and proselytes (M Kid 4.1). Rabbinic projections of pre-70 CE Jerusalem hinted that any probe into the genealogy of the city’s leading families would have resulted in embarrassment since these numbered not a few *mamzerim* among their ancestors.²³ Revealing their identity would have undermined the social fabric of the city.²⁴ It was a state of affairs implying that children born in noble families, whatever their origins, were not likely to bear the stain of *mamzerut*. Their eligibility for the highest religious offices of the land was neither doubted nor denied.

Perhaps the most original rabbinic contribution to the debate regarding bastardy was the move to shift parental culpability for breeding bastards from sinning maternity to paternal shoulders.²⁵ Male mental

²¹ 4Q 477 refers to Hanania who is described as a *nothos*, a term that could designate a “southerner” or a “bastard,” Hachlili, “Hebrew Names,” 99. On this text, S. A. Reed, “Genre, Setting and Title of 4Q477,” *JSS* 47 (1996), 147–8. See also I. Fröhlich, “*Mamzer* in Qumran Texts – the Problem of Mixed Marriages from Ezra’s Time. Law, Literature and Practice,” *Transeuphratene* 29 (2005), 115, and W. Loader, *The Dead Sea Scrolls on Sexuality* (Grand Rapids 2009), 232.

²² As the Greeks did, D. Ogden, “Bastardy and Fatherlessness in Ancient Greece,” in *Growing Up Fatherless in Antiquity*, ed. S. R. Hübner and D. A. Ratzan (Cambridge 2009), 105–19, esp. 108–9.

²³ PT Kid 4.1 for the rabbinic recommendation to refrain from delving into familial genealogies in which a disqualified person was mixed; BT Kid 70b, with M. Vidas, “The Bavli’s Discussion of Genealogy in Qiddushin IV,” in *Antiquity in Antiquity* ed. G. Gardner, K. L. Osterloh (Tübingen 2008), 285–326, esp. 297.

²⁴ Marriage contracts and presumably registration of births, at least in cities, were kept in municipal archives in order to ascertain the lineage of prospective brides and grooms. There are references to archives of the Jews in Alexandria and Hierapolis (Asia Minor). In Jerusalem the municipal archives recorded both debts and births. Josephus (War, 2.427) refers to the deliberate burning of the Jerusalemite archives by the Sicarii in order to ingratiate themselves with the poor whose debts were recorded there. At Galilean Sepphoris, the old city archives included genealogical records, M Kid 4.5 with S. S. Miller, *Studies in the History and Traditions of Sepphoris* (Leiden 1984), 46–51, 129. Josephus drew his lineage from public archives, Vita 1; C. Apion 1.7. Eusebius HE 1.7.13 on Herod burning all the genealogical public records in order to claim noble descent, an attempt frustrated by the fact that several families kept their own private records.

²⁵ Note, however, that M Git 8.5 links the birth of bastardy with an inaccurate dating a writ of divorce. In other words, if a woman’s *get* (divorce document) was erroneously dated and she then remarried and fell pregnant, her children would be considered *mamzerim* and she must divorce both the first and the second husbands without recovering her dowry.

transgressions, even thinking in intimate moments of women besides one's own wife, meant that a man's seed was bound to breed bastards. This is beautifully encapsulated in the words of Imma Shalom, scion of the foremost Jewish family of the land and wife of a notable sage, Rabbi Eliezer son of Hyrcanus (late first/early second century CE):

When Imma Shalom was asked: Why are your sons so stunningly handsome? She replied: [Because] my husband does not chat with me either at the start of the nightly intercourse or at its end but precisely at midnight and while he is chatting, he uncovers a tiny portion [of my body] while covering another, as though possessed by a demon. When I say to him: What is the point? He says: So that I will not look at another woman lest my sons are born bastards. (BT Ned 20b)²⁶

It could have hardly been a coincidence that the Tosefta attributed to Rabbi Eliezer a remarkably evasive response to questions involving bastardy. His answers to queries related to laws and regulations that determined the life course of a *mamzer* invoked not certainty but a state of indeterminacy:

Rabbi Eliezer was asked:

Does a *mamzer* inherit?²⁷

He responded: Does he?

Does a *mamzer* have the capacity to "remove his sandal" (perform *halitza*)?

Does he?

Should his house be marked by paint?

Should it?

Should his grave be marked by paint?

Should it?²⁸

Eliezer's reluctance to engage in these questions is striking, as are the areas where a *mamzer* would have been subjected to restrictions.²⁹ The questions themselves cast *mamzerim* as perpetual strangers in the domicile, possibly even without the basic rights that ordered the lives of its denizens. In life and in death they seemed to stand apart. Did these questions reflect rabbinic levity or a popular discourse? The passage concludes with seemingly absurd parallels:

²⁶ On Imma Shalom in this context, Boyarin, *Carnal Israel*, 47, 120–3; Satlow, *Tasting the Dish*, 308. Cf. *Masseket Kallah* 10. As Brodsky notes (*Bride*, 137 note 45) such statements diverged from the legal definition that linked bastardy with an adulterous wife rather than with an errant husband.

²⁷ On rabbinic "visual eros," R. Neis, *The Sense of Sight in Rabbinic Culture* (Cambridge 2013), 113–69. On necessary evidence in the case of inheritance, R. Yaron, "Basics of Roman and Jewish Intestacy," in *Critical Studies in Ancient Law, Comparative Law and Legal History*, ed. J. W. Cairns and O. F. Robinson (Portland 2001), 209.

²⁸ T Yev 3 (Lieberman p. 9); cf. BT Yoma 65a, with Bar Ilan, "Attitude," 136, and n. 112.

²⁹ BT Yev 69b on acknowledging legitimacy of a child conceived by an engaged woman.

What about rescuing a sheep from a lion?
 He said: Are you asking only about the sheep?
 What about rescuing the shepherd from a lion?
 He said: Did you not ask me about the shepherd only?³⁰

Eliezer's mechanical repetition stressed a chasm between the concrete measures that the questions proposed and his reaction which registered simultaneously complete consent and utter dissent.

Rabbinic sense of order required the correct distribution of men and of marriage within a carefully delineated matrimonial space. Among the essential characteristics of membership, birth was a prerequisite. Childbirth governed the epiphany of an "Israelite" in a language of generation that employed the forbidden and the excluded when speaking of birth. A child could be either "kosher" or "dirtied." Yet here, too, boundaries proved porous. An encounter between two sages in the baths of Hamat Gader (Gadara) turned into a debate over a nameless child whom one rabbi deemed "kosher" while the other insisted that he was "dirtied." The former opinion prevailed, since it was assumed that the passage of time purified even children born in uncertain circumstances.³¹

Behind these rival identities it is possible to detect excessive concern for control over the ultimate marital eligibility of bastards. The rabbinic debate about the acceptability or rejection of bastards concluded, however, with registering an exception to the otherwise general tenor of leniency: the female offspring of an Israelite woman by either a gentile or a slave was not fit to marry a priest. The consequences of being born a female bastard, then, were especially serious when the time for matrimony arrived, as it invariably did. Yet anyone who forced sex on a *mamzeret* (female bastard) was liable to financial penalties as though he had seduced or raped the daughter of perfectly kosher parentage.³²

Concealed bastardy posed its own problems:

In the days of Rabbi Berechia (late third/early fourth century, Palestinian) a Babylonian newcomer whom the rabbi knew to have been a *mamzer* approached him. Help me, the migrant requested. The rabbi responded: Tomorrow I will be preaching in public and I will pass on your request. The man rejoiced. The rabbi delivered his sermon and at its end added: Help this man here who is a *mamzer*. When the assembly dispersed the man

³⁰ T Yev 3. I am combining the two portions, one from the T Yev 3 the other from BT Yoma 65a so as to highlight the deliberate absurdity of the baraita and because the order outlined in Yoma is somewhat more logical.

³¹ PT Kid 3.14; Hayes, "Genealogy," 82–3.

³² M Ket 3.1; on penalties for seduction and rape, see Chapter 4.

accosted the rabbi: Why, he asked, Did you condemn a man to perdition when he asks you for assistance? Berechia countered the accusation: The opposite is the truth. Rabbi Huna said that a *mamzer* lives for thirty days. When? Only when his status remains undisclosed. But when it is known, he lives. (PT Kid 3.14; Cf. PT Yev 8.3)³³

The subsequent fate of the pleading Babylonian was not recorded. The procedure involving registration and circulation of information was not specified. Did rabbis in both Palestine and Babylonia-Persia keep a list of registered “bastards” which periodically circulated throughout the Jewish communities of the Near East?³⁴ In the absence of state apparatus to disseminate data and to reinforce regulations, public sermons provided a stage from which it was possible to issue an alert. Berechia exhibited concern not for the adversity of the petitioner but for the adverse consequences of contracting marriage with an unregistered *mamzer*. His comments probably aimed primarily at fathers of marriageable daughters.

Timely revelations or untimely disclosures introduced an imbalance. Required registration seemed calculated to counterbalance procreation outside prescribed marital boundaries. The presence of unregistered *mamzerim* was deemed so detrimental that it had to be broadcast. To make matters more complex, a man could declare his own son to be a *mamzer*, thus dis/qualifying him in matters of inheritance. Such declarations would have punctured a long-held household’s arrangement and implicated one’s own wife as traitor to the ideal of marital chastity, making a mockery of marriage and of birth. The Mishnah (Kid 4.8) dismissed these statements out of hand, even when both husband and wife corroborated each other.³⁵ Later rabbis queried under what circumstances paternal statements of bastardy in the family could be trusted. They refused to accredit a death bed confession in which a father denied paternity of a child he had raised all along as his own. But they trusted a belated acknowledgment of paternity of a child who had been previously acknowledged as a *mamzer* (PT Kid 4.7). Whenever possible, the rabbis avoided branding a child as a *mamzer* since *mamzerut* was one of three circumstances that could not be undone, along with idolatry and murder.

³³ Cf. BT Yev 78b with its distinction between a *mamzer* who is completely unknown and one who is somewhat known.

³⁴ This chapter on registration. On links between Jews of Palestine and of Babylonian-Persia, Z. Safrai and A. Maier, “An Epistle Came from the West: Historical and Archaeological Evidence for the Ties between the Jewish Communities in the Land of Israel and Babylonia during the Talmudic Period,” *JQR* 93 (2003), 497–531.

³⁵ T Kid. 5.5 presents a minority view (Rabbi Judah), claiming that such statements, if relating to children (*minors*), may be believed.

Father-son relationships were a pivotal part of the machinery of identity. Theoretically, then, the word of a father could not be doubted. Yet, paternal owning of the illegitimacy of offspring created a distorted image of the family. If reproduction was to remain above suspicion a belated admission of the birth of a *mamzer* had to be better ignored.³⁶ A legitimate birth necessarily pointed to paternal lineage. An illegitimate birth invoked a competitive vocabulary that harked back to the language of maternal generation and guilt:

Once the elderly men of a town were sitting at the gate. Two children (*tinokot*) passed by. One covered its head, the other did not. Rabbi Eliezer claimed that the latter was a bastard. Rabbi Joshua claimed that the child was the son of a *niddah*. Rabbi Akiva claimed that the child was both [a *mamzer* and a son of a *niddah*]. They asked Akiva: How dare you contradict the words of your colleagues? He responded: I will prove my claim. He went to the child's mother who was a seller of beans in the market and addressed her as follows: My daughter, if you answer me truthfully I will lead you to the world to come. She said: Swear to me that you will keep your promise. He swore, uttering his oath with his lips but annulling it in his heart. Your son, he asked, What is his status? She said: When I entered the bridal chamber I was *niddah* (menstruating) and my husband kept away from me. My best man had intercourse with me and my son was born. Hence the child is both a *mamzer* and son of a *niddah*.³⁷

A bastard, according to this story, is revealed already in childhood through patterns of erratic behavior. As the path of children and of rabbis crossed, the compelling question of origin arose: To what womb should one ascribe the birth of misconduct? Speculations were put in the mouth of three notable Palestinian rabbis, Eliezer, Joshua and Akiva. In their quest for the cause of the children's behavior, one rabbi asserted the child's bastardy without providing an explanation, the second linked bastardy with sex during menstruation and the third, Akiva, perjured himself, a behavior that ironically complemented the aberration of the alleged *mamzer*. The child's father was absent and its mother belonged to the lower classes, a woman operating in the market rather than one living in domestic seclusion.

Whether the distinctions drawn between the children reflected social realities cannot be established. By telling the story of one rude and

³⁶ In Israel today, DNA tests are sometimes denied precisely in order to avoid a proof of *mamzerut*.

³⁷ *Masekhet Kallah* 16 Brodsky, *Bride*, 145–8 on this passage as a metaphor of crossing boundaries of sex and of learning/teaching. Note the striking parallels with *Toldot Yeshu*, Brodsky, 148 note 74, and this chapter. Note too that the scenes take place at the gate and in the market, two public venues where status and rank interacted. Cf. J. Schaberg, *The Illegitimacy of Jesus. A Feminist Theological Interpretation of the Infancy Narratives* (San Francisco 1987) on Matt 1–2 and Luke 1–2.

nameless child the rabbis played a game of psychology, positing a binary of acceptable or objectionable gestures vis-à-vis themselves as behavioral criteria of birth. Without questioning the child itself, Akiva had no difficulty identifying his mother, trusting her to divulge her child's true origins in exchange for a place in the world to come. The switch effected on the wedding night between husband and best man tore the bride away from the conventions that dictated the state of the marital bed, simultaneously removing the future *mamzer* from the connections that established conventional Jewish identity.

Paideia Iesu: Jewish and Apocryphal Versions

Unruly children, as may be surmised from the episode at the gate, failed to cover their head as a token of respect toward their elders.³⁸ Such misconduct was due, as the rabbis speculated, to the uncontrollable sexuality of their mothers. How this tale wound its way into a Jewish infancy counter-gospel(s) known as *Toldot Yeshu* (hi/story of Jesus) is a puzzle.³⁹ Yet, the *Toldot* provides precious, and possibly even authentic, late ancient glimpses into the childhood of a boy branded at birth. It is precisely the apparent conventionality of the narrative that illustrates the shifting parameters of a child deemed a bastard in Jewish sources and a divinity in Christian.

³⁸ Cf. BT Shab 118b. But BT Ned 30b lists the opposite – children must always appear in public with heads uncovered, Brodsky, *Bride*, 146 note 71, surmising that MK, an early/mid amoraic redaction (i.e. c. 300 CE?) predated BT Ned. On children's hooded tunics, a special item of child's apparel, C. Fluck, "Children's Burials from Antinoopolis. Discoveries from Recent Excavations," in *Christianity and Monasticism in Middle Egypt*, ed. G. Gabra and H. Takla (Cairo 2015), 226, and Chapter 11.

³⁹ The Wageneseiliana (*Sefer Toledot Yeshu*) (the 1681 text in Hebrew and Latin with notes by L. Edman 1857) is available online. An English translation based on M. Goldstein, *Jesus in Jewish Tradition* (London 1950) is also available online. The basic work remains S. Krauss, *Das Leben Jesu nach jüdischen Quellen* (Berlin 1902) and idem, *The Jewish-Christian Controversy. From the Earliest Times to 1789*, rev. W. Horbury (Tübingen 1995); W. Horbury, *A Critical Examination of the Toledoth Yeshu* (Ph.D. Cambridge 1971). On the *Toledot* in context, T. Travers Herford, *Christianity in Talmud and Midrash* (London 1903); G. Schlichting, *Ein jüdisches Leben Jesu* (Tübingen 1982); P. J. Alexander, "Jesus and his Mother in the Jewish Anti-Gospel (the *Toledot Yeshu*) in *Infancy Gospels*," ed. C. Clivaz et al. (Tübingen 2011), 588f.; H.-J. Klauck, *The Apocryphal Gospels* (2004), 211–20. See also B. Chilton, "Jésus, le mamzer (Mt 1.18)," *NT Studies* 46 (2000), 222–7; and C. Quarles, "Jesus as Mamzer," *Bulletin for Biblical Research* 14 (2004), 243–55. On the diffusion of the *Toledot*, R. E. Van Voorst, *Jesus outside the New Testament* (2000), 122–8; Y. Deutsch, "New Evidence of Early Versions of *Toldot Yeshu*," *Tarbiz* 69 (2000), 177–97 (Heb); D. Stökl, "A Christian List of Festivals in *Toledot Yeshu*," *HTR* 102 (2009), 481–96. For a fascinating account of twenty-eight manuscripts, mostly from Egypt, of the pamphlet, M. Goldstein, "Judeo-Arabic Versions of *Toldot Yeshu*" (online). Recently, *Toledot Yeshu (the Life Story of Jesus) Revisited*, ed. Y. Deutsch et al. (Princeton 2011).

We first meet the child Jesus at school, where he excelled as a pupil. His excellence need not occasion surprise. The Talmud grudgingly asserted that “all bastards (*mamzerim*) are clever.”⁴⁰ A lighter side of childhood is reflected in a ball game which Jesus readily joined. This was a form of pastime that rabbinic literature often associated with girls.⁴¹ The game could turn dangerous, even murderous.⁴² When Jesus lost the game he dejectedly rejected Torah and words of wisdom, as though both were responsible for his defeat. Three rabbis (the very same listed in the gate episode above) happened to overhear his angry words. They promptly began to speculate about the mother of so outspoken a youngster: Was he the son of a *niddah* or of a whore? These speculations undergird an assumption that a child incapable of controlling its temper could only be the offspring of a sinner or of a female with excess sexuality. Rabbi Akiva questioned the boy about his parents. He then headed to Nazareth to question his mother. Resorting to a false oath, Akiva teased the truth out of her, thus confirming his suspicions.

Did the Toldot set out to depict a young Jesus as an emblem of a “rebellious son” (Deut 21:18–21), a recalcitrant child whom his parents failed to restrain? The implicit contrast between the child Jesus and an ideal Jewish-rabbinic child provided a platform for these opposites. By rabbinic criteria the child depicted in *Toledot Yeshu* was a transgressor and a troublemaker. Akiva’s detective work culminated, however, not in public stoning, as the Bible prescribes for a rebellious son, but in a collective erasure of memory:

They blew three hundred horns and announced that he (Jesus) was a bastard and unfit to enter the congregation. And they called him Yeshu, an acronym for *Yimach Shmo Vezikhro* (may his name and memory be blotted out).⁴³

The mechanism by which a state of *mamzerut* was broadcast had evidently been in place, although probably unaccompanied by three hundred horns. From the days of Ezra and Nehemiah to present-day Israel, children of forbidden sexual liaison had been subjects of careful recording. No longer was it left to heaven to disclose what transpired in secrecy and to punish the sinners. The “discovery” of Jesus’ bastardy entailed both denunciation and renaming, the former because his mother failed to register his birth correctly, the latter because the child was Jesus and hence merited oblivion.

⁴⁰ PT Kid 4.11 (Alexander, p. 610). ⁴¹ PT San 10.1; BT San 77b. ⁴² BT San 77b.

⁴³ Alexander, “Jesus and his Mother,” 613. Cf. Judg 7:22 where three hundred horns are blown by the hundred men who followed Gideon to a victory over Midian, also noting the use of the terms *naar* (adolescent) and *yeled* (boy) to describe Jesus at this point in the narrative.

The child projected in *Toldot* provides a striking example of the impact of the perennial human struggle between positive and negative inborn inclinations (*yetzer ha-tov* and *yetzer ha-ra*), a theme that started to feature prominently in rabbinic writings in late antiquity.⁴⁴ By one rabbinic view, everyone was born with a destructive bent. Children acted unthinkingly because they lacked an inner moral sense. The crucial threshold between good and evil was age thirteen:

How does the evil bent (*yetzer hara*) operate? They said that during the first thirteen years of life the evil inclination is stronger than the good. From his mother's womb a human emerges with the evil bent and it grows with him. If [a child younger than 13] embarks on profaning the Shabbat, it (the *yetzer hara*) does not stop him. If [a child younger than 13] inadvertently kills or commits a sin, the evil bent does not deter him. After thirteen years the good inclination (*yetzer tov*) is born. At that point it warns one intending to profane the Shabbat [as follows]: You fool! Scripture states that *everyone who profanes the Sabbath will surely be put to death* (Ex 31:14). Intending to kill, the *yetzer* warns him: You fool, Scripture states that *whoever sheds man's blood by man shall his blood be shed* (Gen 9:6). If a thirteen or older is about to commit a sin it warns him: You fool, Scripture states that *Both the adulterer and the adulteress shall be put to death*. (Lev 20:10) (ARN A 16)

The transition from childhood to adulthood was inextricably linked in the rabbinic mind with one from evil to good. This predictable life course intensified the built-in expectations that a child born in sin engendered. Already as a child, Jesus was cast as a prototype of a sinner. In adulthood he became a heretic. In his soul the evil inclination emerged triumphant.

In some respects the *Toledot* is reminiscent of the so-called Infancy Gospel of Thomas, now considered a genuinely early Christian (second century) work, if of somewhat unorthodox flavor.⁴⁵ The text describes the formative years of Jesus' childhood, between the ages of five and twelve, as an intertwining chain of behavioral aberrations coupled with miracle making. At age five, Jesus purified water, an act reflecting precocious familiarity with the complex rules governing matters of purity and impurity.⁴⁶ When another child drained the purified water, Jesus cursed

⁴⁴ For a recent discussion, I. Rosen-Zvi, *Demonic Desires: "Yetzer Hara" and the Problem of Evil in Late Antiquity* (Philadelphia 2011) and Chapter 2.

⁴⁵ T. Burke, *De infantia Iesu evangelium Thomae Graece* (CC Series Apocryphorum) (Turnhout 2010); idem, "Depictions of Children in the Apocryphal Infancy Gospels," *Studies in Religion/Sciences Religieuses* 41 (2012), 388–400. For minute analysis of text and context, R. Aasgaard, *The Childhood of Jesus: Decoding the Apocryphal Infancy Gospel of Thomas* (Eugene 2009), and S. J. Davis, *Christ Child: Cultural Memories of a Young Jesus* (New Haven 2014), *passim*.

⁴⁶ Cf. the test administered to sons to verify their ability to do just that, T Hag 1.3.

him and the child dropped dead. On the Sabbath Jesus engaged in “work” by fashioning twelve sparrows out of mud. The criticism leveled at this manifestation of artistic creativity reflected a deep-seated conviction that all Jews, regardless of age, must abide by Sabbath rules of respite.⁴⁷ When Jesus’ parents rebuked him on account of his Sabbath violation, he retaliated by animating the sparrows. And when chided by a child from the neighborhood, Jesus brought about his death.

Jesus remained recalcitrant. Entrusted to professional instructors in order “to learn to love those of his own age, to honor old age and to revere his elders,” Jesus belittled the teacher as “a man of Law who is ignorant of the Law.” He accused another teacher of abysmal ignorance, words which teased from the teacher an admission to the effect that he knew not whether the child was a god or an angel. Jesus’ fifth year of life, coinciding with the first year at school, ended with the resuscitation of a child who had fallen off a roof. At age six, Jesus already emerged as an exemplary son, assisting his mother to carry water and his father to wield a saw. At age eight, he gave carpentry advice to his hardworking father.

The experiences of Jesus’ schooldays according to this infancy gospel alternated between a murderous rage aimed at his teachers and healing miracles of other children. Turning twelve, Jesus and his family embarked on a pilgrimage to Jerusalem. Upon arrival he disappeared only to be discovered questioning sages at the Temple in a dazzling demonstration of precocity.

The apocryphal gospel of Thomas likely antedated, perhaps by centuries, the earliest version(s) of the Jewish infancy gospel. Yet both narratives delineated an outsider by birth whose childhood countered expectations and conventions. Both tales promoted a code of children’s behavior, one based on Jesus’s state of *mamzerut*, the other anchoring his divinity. Although the childhood that both texts described took place near the parental hearth, neither parent had control over the boy. It was a childhood composed of contradictions: at home Jesus behaved for the most part as an ordinary child; outdoors he undermined the status quo of the community among children and between children and adults. Because of his birth nothing was regular or straightforward.

The child Jesus clearly did not fit into any group of his peers nor tuned in with his environment. The Christian narrative emphasized the role of teachers in this tangle of ambiguous relationships. In the Jewish version the child’s rejection of the Torah in the wake of a ball game betokened a future

⁴⁷ For rabbinic views on the culpability of children for Sabbath transgression, Chapter 10.

heretic; in the Christian version Jesus represented Jewish unorthodoxy throughout. The absence of a father figure in the Jewish version was interpreted as implying *mamzerut*. The Christian version accorded prominence to both parents, as though striving to undermine assumptions of bastardy.

Gendering the Unknown: Androgini, Tumtums, Sarisim, Ayloniot

The birth of a *mamzer* ushered legal complications as did that of children born with genitalia of both sexes or of neither. Equally complicated were the legal implications relating to young girls or boys who reached late teens without demonstrating conventional signs of puberty. The existence of these sexual ambiguities challenged rabbinic binary thinking about sex and gender.⁴⁸

Two categories of birth “defects” or imperfections received ample attention in rabbinic writings.⁴⁹ These are “*androginos*” and “*tumtum*,” the former a baby born with sexual attributes of both males and females (i.e. a hermaphrodite), the latter a child born without clear sexual demarcation (i.e. sexual organs covered: a cryptorchid). By one rabbinic reckoning, *androginos* and *tumtum* were “one of a kind created human”:

Rabbi Yose said: An *androginos* is a unique form of being. [But] the sages could not agree whether an *androginos* is male or female. A *tumtum*, however, is not like this, since this one [is deemed] either sort of male and or sort of female (*safek ish safek isha*). (T Bikk 2.7)

Implications resulting from the birth of a dual sexed (or intersex) child ushered a rabbinic reexamination of the moments that shaped the lifecycle of males and of females:

⁴⁸ C. E. Fonrobert, “Gender Identity in Halakhic Discourse,” in *Jewish Women’s Archive* (online); eadem, “Regulating the Human Body: Rabbinic Legal Discourse and the Making of Jewish Gender,” in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. C. E. Fonrobert and M. S. Jaffee (Cambridge 2007), 270–94 insisting on the primacy of gender duality in Jewish law but not on its sexual symmetry. But see J. Plaskow, “Dismantling the Gender Binary within Judaism: The Challenge of Transgender to Compulsory Heterosexuality,” in *Heterosexism in Contemporary World Religion: Problem and Prospect*, ed. M.M. Elisson and J. Plaskow (2007), 13–36 on *androginos* and *tumtum* as categories calculated to disrupt gender binaries. See also J. Levinson, “Cultural Androgyny in Rabbinic Literature,” in *From Athens to Jerusalem* (Rotterdam 2000), 119–40; and M. Satlow, “They Abused him Like a Woman,” *Journal of the History of Sexuality* 5 (1994), 1–25. I saw no discussion of the implications, theoretical or concrete, regarding the childhood of either category.

⁴⁹ For statistical analysis of the frequency of the terms *tumtum* and *androginos* in the Mishnah, Tosefta, BT and PT, E. R. Kukla, “‘Created by the Hand of Heaven’: Sex, Love and the Androgynos,” in *The Passionate Torah. Sex and Judaism*, ed. D. Ruttenberg (New York 2009), 201 note 2.

An *androgynos* is in some ways like men, and in others like women. In some ways an *androgynos* is like both men and women, in others an *androgynos* is neither a man nor a woman.

The following are the ways that equal those of men:

1. an *androgynos* is considered impure when discharging (seminal fluids);
2. an *androgynos* can marry but not be married;
3. an *androgynos* must not be alone in the company of women;
4. an *androgynos* is not maintained in the manner in which daughters are maintained;
5. an *androgynos* does not dress and style hair (like women);
6. an *androgynos* is not attract impurity through contact with a corpse;
7. an *androgynos* is culpable of transgression if violating the (Levitical) precepts regarding hair and beard (Lev 19:27);
8. an *androgynos* is subject to all the precepts (*mitzvot*) of the Torah that relate to males.

The following are the ways equaling those of women:

1. an *androgynos* is impure during menstruation;
2. an *androgynos* must not be alone with men;
3. an *androgynos* does not require *yibum* (i.e. contract levirate marriage with females, Deut 25:5–10);
4. an *androgynos* is not entitled to a share of (paternal) inheritance;
5. an *androgynos* cannot have a share in sanctified sacrificial food;
6. an *androgynos* cannot provide testimony mandated in the Torah;
7. an *androgynos*, if had intercourse with a forbidden partner (the issue) becomes ineligible for the priesthood.

The following are the ways equaling both those of men and women:

1. an *androgynos* is entitled to compensation if sustained physical and verbal injuries;
2. whoever deliberately kills an *androgynos* is liable to execution; if accidentally, the killer must be exiled;
3. the mother of an *androgynos* must undergo purification following the *androgynos*' birth and she must make an offering;
4. an *androgynos* is entitled to inherit (if an only child);
5. an *androgynos* has a share in (priestly) allocations beyond the boundaries of Jerusalem
6. if an *androgynos* undertakes a vow of a Nazirite, the vow is valid.

The following are the ways in which an *androgynos* equals neither those of males nor those of females:

1. whoever comes into contact with an *androgynos*' emission bears no liability of uncleanness nor is it necessary to burn (food allocated to priests) on account of impurity;

2. an androgynos cannot be valued as [the valuation attached to vows of] either female or male;
3. an androgynos cannot be sold as a Hebrew slave;
4. if an androgynos declares a Nazirite state, it is accepted.

(T Bikk 2.3–7=M Bikk 4, Napoli)⁵⁰

A quick statistical perusal demonstrates an inclination to count the category of *androgini* as male rather than as female. Is this a mere construct rather than a concrete guide to perplex parents? Unlike *mamzerim*, whose conception could have been concealed, the double sex of an *androgynos* or the concealed sex of a *tumtum* would have been evident from the moment of their breathing. The latter was less problematic. Once revealed, a *tumtum* would be either female or male. An inescapable question must have arisen: What kind of childhood was envisaged for either a *tumtum* or an androgynos? The mother who bore an androgynos or a *tumtum* was subjected to a double purification period, as though giving birth simultaneously to a boy and a girl. Was this a penalty for harboring an abnormality?⁵¹ Did the unusually long period of purification send a signal throughout the neighborhood about the birth of a child with uncommon genitalia?

What if a man vowed to undertake a period of renunciation (*nezirut*) out of gratitude for birthing a son?

If the child born is a son he proceeds to fulfil his vow. What if the child born is a girl, a *tumtum*, or an androgynos? He need not execute the vow unless it had originally been formulated with the words: When I behold my newly born child, even if it is a daughter, *tumtum* or androgynos [I will attend to my vow]. Then he fulfils his vow. (M Naz 2.7)

The question about the birth of a girl, *tumtum* and androgynos seems otiose since the vow was clearly linked to the birth of a male child. Perhaps the point was that children of doubtful sex were like girls, all three categories equally liminal. Strictly speaking, none was fully male. Their inclusion in

⁵⁰ Lieberman's edition of the Tosefta prints both the Tosefta and the Mishnaic version (M Bikk 4, ms. Napoli), the latter appearing only in select manuscripts. For discussion of both versions, D. Stökl Ben Ezra, "'Homme et femme il le créa.' Quelques observations sur l'intersexué dans la littérature tannaitique," *Tsafon* 58 (2009), 107–26, concluding that the Tosefta tends to masculinize androgini, while the Mishnah appears to feminize them. For an annotated list of halakhic regulations regarding androgini, see *Encyclopedia Talmudica* s.v. The discussion of the nature of an *androgynos* follows one devoted to a *koi*, a hybrid animal composed of domestic and savage beasts, conforming to conventional models of neither humans nor animals.

⁵¹ M Nid 3.5 on a woman who aborts a *tumtum* or an androgynos and who is consequently considered impure as though she aborted, simultaneously, a male and a female.

the equation seems designed solely for the purpose of identifying a fully-fledged male. The grouping of males on one side and of daughters and sexual ambiguity on the other defined humanity in terms of contrasting relationships between four sexes.

Could the sex of a newborn be overdetermined? This is precisely the conclusion of the discussion (T Bikk 2) which decided in favor of an *androgynos*' maleness. Beyond birth, what history could be attached to individuals with dual or no genitalia, masculine girls or feminine boys? The lengthy enumeration of the female, male and male/female associations of an *androgynos* did not address the simple and immediate question of circumcision. When the rabbis alluded to the ceremony, in conjunction with the rules governing Shabbat's permitted activities, no general consensus could be reached regarding the full or the imperfect maleness of these babies:

[Everything connected with circumcision can be discharged on a Shabbat] . . . but in the case of a baby born with sexual organs that are subject to doubt (*safek*), or an *androgynos*, one does not violate the Shabbat on its account. Rabbi Judah allowed, however, [to engage in circumcision] in the case of an *androgynos*. (M Shab 19.3)

Androgini were to be circumcised, albeit generally not on a Sabbath, a ritual that implied inclusion in the ranks of males. Yet, making males out of *androgini* through the penis alone reduced the ambiguity of birth to a purely malleable prop. A child born *androgynos* was not considered sufficiently male to justify transgressing the Sabbath for the sake of circumcision on the due date. Circumcised, a child-*androgynos* could have experienced menstruation, if it occurred, along with its strict rules of isolation and purification. How would that same child, if considered female, be subjected to rules governing inheritance that differentiated between sons and daughters?⁵²

Without speculating unduly (and futilely) how the rupture between the two realms of boyhood and girlhood of *androgini* and *tumtums* operated in reality, there was one portion of the social experience where everything happened in full awareness of the gender-break, namely paternal authority. An *androgynos* could not be sold or betrothed to anyone's daughter. A father who considered bonding his child to serve as a guarantor of

⁵² M BB 9.2 addresses the order of inheritance in the case of a *tumtum* who, in fact, does not inherit paternal or maternal assets unless there is a specific paternal provision to this effect or the *tumtum* is an only child. Cf. M Sot 3.8, which enumerates gender differences, specifically referring to paternal (but not maternal) rights to sell one's daughter and to betroth her.

loan-repayment, or one hoping to gain an additional income through betrothing an *androgynos*-daughter to a male of his choice, could engage in neither course of action.

What expectations did an *androgynos* have when growing up in a society that determined collective identity according to genital configuration?⁵³ In the surrounding Greco-Roman society, so focused on prodigies and portents and equally antagonistic to passive male sexuality, genital abnormality was deemed monstrous. Rabbinic views of androgyny refrained from the pan-Mediterranean identification of androgyny with effeminacy. Instead, an unusual birth was viewed as a threat to the bonding so painstakingly erected between males and Yahweh. The very existence of categories that did not quite fit gender duality questioned the myths of origin and the manner in which these were inscribed into the religious space of post-biblical and especially rabbinic Judaism. The attempt to resolve the question of sexing *androgini* worked in so far as they were assigned a single sex (male), primarily in order to undermine the greater sin of male-male intercourse. Yet the very existence of *androgini*, as well as of other aberrant categories like *tumtums*, *ayloniot* and *sarisim*, failed to explain why gender inequality had been repeatedly endorsed and upheld.

The comprehensiveness of the possibilities that the rabbis envisioned for a dual gendered child flexed an accepted code of behavior that shaped patterns of affiliation with the community in childhood, adolescence and adulthood. Notwithstanding rabbinic inability to settle the matter decisively, the marital prospects of an *androgynos* were strictly limited to betrothal solely with a female. One wonders how a parent negotiated an engagement of a circumcised “son” if his child also required monthly purification because of menstruation? Since clothing and spaces were gender coded, what did an *androgynos* wear and in whose company did an *androgynos* play? Would an observer be able to identify correctly a child as hermaphrodite on the basis of distinguishing both male- and female-coded behaviors?⁵⁴ The limits of theoretical speculations were blatantly evident in the case of *androgini*.⁵⁵

⁵³ A topic of ever-growing interest to scholars of Greco-Roman antiquity. See among many recent publications, L. Brisson, *Sexual Ambivalence: Androgyny and Hermaphroditism in Graeco-Roman Antiquity* (trans. J. Lloyd) (Berkeley 2002), with the useful review of A. Ajootian, in *BMCR* 2003.01.15 (online).

⁵⁴ N. Szmura, “An Ancient Strategy for Managing Gender Ambiguity,” in idem, *Balancing on the Mechitza. Transgender in Jewish Community* (Berkeley 2010), 173 for an answer in the affirmative since “The Mishnah’s Androgynos sets out a consistent prescription of behaviors.”

⁵⁵ Already evident to the rabbis themselves as they speculated on the divine creation of humanity in GenR 8.1, not unreasonably suggesting that the first human (*adam rishon*) was an *androgynos*,

One additional category, that of *saris* (eunuch or sterile male), often appeared in tandem with the *androgynos* and the *tumtum*:

Everyone is obliged to recite the 'prayer over food' (*birkat hamazon*) . . . (including) *mamzerim*, *saris adam* and *saris hama* . . . (as well as a) *tumtum* and *androgynos* . . . An *androgynos* can exempt (from recitation) her/his own kind but not one who is not her/his kind. A *tumtum* cannot exempt either his/her own kind or one who is not. (T Ber 5.14–15)

There is no age specification for these categories, but in the same breath the Tosefta (T Ber 5.17) also exempted minors (*ketanim*) from recitation, unless a son was required to do so by his father in his stead. The rule appeared all-inclusive with regards to this daily precept, as though acknowledging the need to integrate all Jews who were recognized as fully or partially male in this basic commitment to food and to faith within domestic spaces. The Mishnah, however, countered this inclusiveness with a rule that exempted *androgini* and *tumtums* from the obligation of pilgrimage, the most publicly visible of biblical commandments, albeit of no direct relevance after 70 CE (M Hag 1.1, and this chapter). If an *androgynos* or a *tumtum* were barred from seeing God in the Temple, even metaphorically, what kind of a Jew were they?

Later rabbis, recorded in the Palestinian Talmud, introduced an exception in the case of a *tumtum*. If a *tumtum* was revealed as male even as late as the first day of the pilgrimage festival, and certainly before, he was allowed, indeed obliged to fulfill the commandment as every male Jew had from the age at which a child was capable of riding on his father's shoulder (PT Hag 1.1). In spite of an attempt to reverse the exemption barring *androgini* from pilgrimage participation, the Palestinian Talmud appeared to have upheld the Mishnaic rule. The Babylonian Talmud, relying on Palestinian authorities, affirmed the exclusion of both the *tumtum* and the *androgynos*, claiming that neither was quite male and hence both were exempted. The affirmation grouped these two categories with women and children (minors), who likewise were exempt from time-bound commandments, such as pilgrimage (BT Hag 4a).⁵⁶

In this catalogue of divergent sexuality the unexpected had to be taken into account. A *tumtum*, according to Rabbi Judah, if found to be male, was like a *saris* in matters relating to levirate marriage, both categories exempted from the obligation of releasing a brother's widow from

D. H. Aaron. "Imagery of the Divine and the Human: On the Mythology of Genesis Rabba 8:1," *Journal of Jewish Thought and Philosophy* 5 (1995), 1–62.

⁵⁶ E. Shanks Alexander, *Gender and Time Bound Commandments in Judaism*. Chapter 1.

marrying her brother-in-law (M Yev 8.6). A congenital eunuch (*saris hama*) and an *androgynos* who married a Jewish female, if belonging to the priestly order, had to share their heave offerings with her (M Yev 6.8). So rigorous was the emphasis on the maleness of an *androgynos* in matters relating to sex that one found guilty of bedding a man was liable to capital punishment by stoning, at least according to Rabbi Eliezer (M Yev 8.6). Whether such a penalty was ever carried out is doubtful. It is also unclear at what age an *androgynos* was held legally responsible for this act. The proposed public mode of execution (stoning) emphasized the double deviance of an *androgynos*, first from norms of masculinity which were normally realized through marital obligations, and second with respect to behavior vis-à-vis men.

That matters were equally complicated in reality may be surmised from a case that involved an *androgynos* who was caught having illicit sex:

An *androgynos* [of priestly lineage], who had sex with a forbidden partner, should be submitted to punishment (*natal et ha-din*). Is he consequently disqualified from the priesthood (i.e. share of heave offerings)? A case came up [and resolved as follows]: if the *androgynos*' (m.) sole 'occupation' (*omanut*) is that [of prostitution?], he cannot share the *teruma* (i.e. is disqualified from benefiting from his priestly lineage). If he has been pursuing a different occupation while she (sic) was seized (*nitpesa*) and was raped (?) this does not disqualify him (sic) from priestly [advantages].⁵⁷

The biblical rule of stoning those engaged in aberrant sex must have been modified in favor of, possibly, public beating.⁵⁸ The main point was whether one thus caught should be further subjected to permanent disenfranchisement which, in the case of priestly affiliation, would have deprived the *androgynos* of class-privileges such as benefitting from heave offerings. To determine eligibility or ineligibility it was vital to find out whether the proscribed sex was the result of habit or not. In other words: Did this *androgynos* habitually engage in illicit sex or did the case entail a rape?⁵⁹ No further information was available, but the case demonstrates the vulnerability of *androgini* who not only had to submit to punishment but who also stood to lose priestly privileges. Perhaps the appearance and behavior of *androgini* potentially exposed them to sexual aggression. The suspicion of rape lends support to this hypothesis.

By far the most original contribution of rabbinic reflections on indeterminate sexuality was the creation of a category, unparalleled in antiquity, of

⁵⁷ Newman, *Maasim*, no. 33, pp. 165–6. It is unclear whether the "craft" (or professional pursuit) of the *androgynos* was prostitution or whether it alluded to the share in the heave offerings.

⁵⁸ Newman, a penalty admittedly borne by the *androgynos*. ⁵⁹ Ibid. for the possibility of a rape.

a female eunuch/congenitally infertile female (*aylonit*), who was presented, for the most part, as the mirror image of a *saris* (hama) (M Yev 8.5).⁶⁰ Underlying all four categories was the problem of reproduction, or rather the question whether children thus classified could grow up to assume their allotted role in family and community. An exception illustrates the network of meanings that explicitly dictated integration or marginalization. A eunuch, *saris adam*, who owed this state of defective existence not to birth but to later circumstances (hence *saris adam*, manmade eunuch), and whose condition could be healed, was considered male for marital intents and purposes, just like an *androgynos* (M Yev 8.4). He might still be able to impregnate. However, the Talmudic dictum “when the beginning (of life) is anchored in a defect the end likewise is bound to be defective” (BT Yev 80a) implied irreversibility, a condition that could not be corrected. Were children thus stigmatized plunged into a nightmare of perpetual isolation?

To facilitate recognition, possibly as early as childhood, the rabbis provided a list of telltale signs of identification: a *saris hama* did not sprout a beard, the hair on his head was lanky and his skin was smooth (i.e. without hair). While urinating, his urine did not form an arch, nor ferment. When he washed on a rainy day, his flesh did not produce steam. When talking, his voice enabled listeners to determine whether it belonged to a female or to a male (BT Yev 80b).⁶¹ An *aylonit* was a girl who had no breasts, whose vagina was defective and whose voice was so thick as to render it difficult to determine whether she was female or male. As late as age twenty, an *aylonit* had yet to produce even a couple of pubic hairs. During intercourse, she experienced significant difficulties. Several of these exterior signs would have been apparent from a tender age. None, it seems, proved an obstacle to marriage in spite of rabbinic uncertainty regarding reproductive capacity.

The phenomenon of ambiguous sexuality and impaired sexual organs presented a problem. The rabbis had to decide under which set of obligations these children fell, whether those associated with girls or with boys. Instead of a birth which provided an implicit model of difference, the suppression of dual sex continued to inform ways of thinking about children, adolescents and adults.

⁶⁰ Lev, “Aylonit,” 297–316, esp. 310–11 for tabulated comparison of symptoms.

⁶¹ For speculations on what causes a child to be born a *saris hama*, BT Yev 80a, which includes the notion that on the verge of giving birth the would-be mother baked at noon and got herself drunk.

Childhood as a Disability

Preliminaries

What rules governed the lives of children with disabilities such as deafness, blindness or mental feebleness? Discussing pilgrimage to Jerusalem, a purely hypothetical proposition by the mid-second century CE, the number of categories excluded from performing this commandment “effectively eliminated anyone who was not a blemish-less full grown male.”⁶²

Everyone must appear [at the Temple on the three occasions of obligatory pilgrimage (Ex 23:14–17), other than a *heresh* (deaf-mute), the mentally incapacitated (imbecile, *shoteh*), a minor (*katan*), a *tumtum*, an *androgynos*, women, and slaves not yet manumitted. Similarly exempted (from the duty of Temple pilgrimage) are the lame, the blind, the sick, the elderly, and anyone who cannot ascend on own feet. What, then, is a minor? A child who, although mounted on his father’s shoulders, cannot climb from the city to Temple Mount. This is according to the house of Shammai. The house of Hillel countered: [A minor is] a child who cannot hold on to his father’s hand and walk up on own legs, as stated regarding pilgrimages (*regalim*, root *regel*, foot) since these must be performed on foot. (M Hag 1.1)⁶³

The association of *androgini* and *tumtums* with the physically and mentally impaired, and all four types with very young children, can be bewildering. Further coupling of these groups with women and slaves is baffling.⁶⁴ Interaction among these categories does not account for the juxtaposition.

⁶² Abrams, *Judaism and Disability*, 50 (the quote), 49–58 on the merging of the requirements of priestly perfection and cognition (*da’at*) as preliminaries for performing pilgrimage, noting the substitution in the BT of pilgrimage for Torah study.

⁶³ Chapter 2. Cf. The *War Scroll* from Qumran which excluded small boys (*naarim zaatutim*), women, the lame, the blind, the paralyzed, those with permanent blemish (*mum*) on their flesh and any man infected by skin uncleanness, from the camp that sets out from Jerusalem to wage war against the “sons of darkness” (1 QM 7). In this eschatological context the issue of a uniformity and concomitant discount of mismatched size, gender and appearances seems paramount. I wonder whether the exclusion of these groups was designed to ensure that the congregation celebrated its rites with uprightness of body and of morals as “perfect in all ways” (*tmimei derech*). Cf. Psalm 119:1; Prov 11:20; 13:6. On the usage of the term at Qumran, B. A. Strawn and H. W. Morisada Rietz, “(More) Sectarian Terminology in the *Songs of Sabbath Sacrifice*: The case of *tmimei derech* תמימי דרך,” in *Qumran Studies. New Approaches. New Questions*, ed. M. T. Davis and B. A. Strawn (Grand Rapids 2007), 53–64.

⁶⁴ T RH 2.4 obligates “everyone” to blow a horn on Rosh Hashana, including priests, levites, Israelites, converts, freedmen, deaf, insane and children, as well as *sarisim*, males with crushed testicles, *androgini* and *tumtums*. T Meg. 2.4 applies the obligation to read the Megilla (scroll) to all these categories but excludes females, slaves and minors. When rabbi Judah protested by asserting that he was allowed, as a child, to read the Megilla, the exclusion was reversed!

Rather, the peculiar arrangement confirms a rabbinic sense of social order in which the double sexed and disabled were compared to infants.

Three subdivisions may be discerned, the members of each exempted from “appearance” before the Lord: (a) those considered to lack understanding (deaf-mutes, mentally incapacitated and children), (b) those classified as non-males/adults/free (*tumtums*, androgini, females, slaves) and (c) those with limited physical mobility, excluding the blind.⁶⁵ The prohibition itself may have extended solely to the entry to a specific section of the Temple and only during the festivals.⁶⁶ Spatially and temporally limited, the exemption reflected biblical insistence on the bodily perfection of priests (Lev 21:18–20). Because pilgrims came not only to see God but also to be seen by God, their physical tuning during the celebratory days had to match that of God’s priests.⁶⁷ Children were clearly not adults and hence were exempt. Their exemption was matched by one granted to the elderly on account of their lack of control over bodily tremors.⁶⁸

Not every sage subscribed to these precepts. An effort was made to include children among those obliged to perform pilgrimage:

Three time . . . shall all your males appear before the Lord (Ex 23:17; 34:23; Deut 16:16). Just as one comes to see, so does he come to be seen. *Your males* excludes all females. *Your males* does include children (m.) (Sifre Deut 143)

This exceptional discount to children (boys), presumably including infants, was strenuously opposed not only by sages recorded in the Mishnah (Hag 1.1) but also in midrash, which excluded minors twice, one together with sick persons and once together with the categories enumerated in the Mishnah.⁶⁹

Questions were also raised about the blanket prohibition-exemption accorded to various groups on the basis of visible defects, sex, age and status.⁷⁰ What if the disabled were also children?

R. Simeon asked: What is the rule, according to the house of Shammai, regarding [pilgrimage of] a child who is also lame, and what is the rule, according to the houses of both Shammai and Hillel regarding a child who is also blind? Should we deem it to be a case of a lame child who will never be

⁶⁵ A. Shemesh, “‘The Holy Angels are in their Council’: The Exclusion of Deformed Persons from Holy Places in Qumranic and Rabbinic Literature,” *Dead Sea Discoveries* 4 (1997), 181. Cf. the association of the insane with children in the Digest who share an absence of mind and of volition, P. Toohey, “Madness in the Digest,” in *Mental Disorders in the Classical World*, ed. W. V. Harris (Leiden 2013), 449–52.

⁶⁶ Shemesh, 186. ⁶⁷ Shemesh, 189. ⁶⁸ Shemesh, 192.

⁶⁹ Mekhilta, Kaspā 2, with Shemesh 203. ⁷⁰ Abrams, 128 for these labels.

able to walk and of a blind child who will never be able to see? Since an adult is exempt [in such cases] surely the exemption extends also to children? Not so! The question is only relevant to a lame child who may eventually walk and a blind who may recover his sight. What then is the rule? Rabbi Abbaye (Babylonian sage of the early fourth century) said: Whatever commandments the Torah obligate an adult, it is a rabbinic rule to train a child to abide by them. Whatever exemptions the Torah extends to adults, rabbinic rules extend these to minors. (BT Hag 6a)

It is unclear whether the opinions expressed here reflected rabbinic awareness of the possibility that children could be subjected to temporary rather than permanent disabilities.

Rarely did post-biblical sources draw distinctions between a disability observed at birth and one that befell a child at a later stage of its development or in adulthood. Nor, indeed, was it possible to diagnose disabilities, such as deafness or blindness, at the dawn of life or to determine their full or partial extent in childhood. We know, for example, of a single blind rabbi, probably blighted from infancy, and of another who became blind in both eyes in adulthood and who ascribed this misfortune to his own uncharitable behavior.⁷¹ In fact, children could and did lose limbs in infancy, even at the very moment of circumcision. One such celebration ended on a tragic note when a feral house cat snatched the arm of the baby.⁷²

Who Is to Blame?

Denied participation in what used to be the most public of all the Torah celebrations (i.e. Temple-Jerusalem pilgrimage), those deemed ill fitted by dint of a disability, visible or concealed, invited a paradox of paternity. Otherwise put, how and why did Jews produce children with disabilities? The rabbis sought to anchor such aberrations in paternal sex habits yet they did not neglect to extend blame to the female sexual partner as well:

Any man who looks at the “heel” of a woman will have sons with disabilities.
Why are there (children) who emerge from their mother’s womb lame,

⁷¹ BT Ber 58a on Sheshet the blind and who is compared to a broken pitcher; BT Taan 21a; Cf. PT Peah 8.8; Shekalim 5.4. On this baraita see Y. Zilkah, *In the Eyes of the Aggadah of the Yerushalmi* (Jerusalem 2009), 229–43 (Heb).

⁷² BT BK 80a–81b. The narrative places the incident either during the circumcision on the eighth day (*shevua ha-ben*) or during the ceremony of the redemption of the eldest son (*yeshuat ha-ben*). On these celebrations, Chapter 3. On cats see J. Schwartz, “Cats in Jewish Society,” *JJS* 52 (2001), 211–34, p. 223 on this incident which happened, it seems, in Babylonia, where felines would not have been intruders but inmates of the house, kept to rid it of vermin.

blind, mute and deaf? Rabbi Eliezer says: Because their father demanded to have sex with her but she refused. Rabbi Joshua says: Because during intercourse she shouted: I am raped! Rabbi Akiva said: Because they gossiped (during intercourse). Rabbi Nehemiah says: The sin of idle gossip ushers miscarriages and domestic dissension; it causes sons and daughters to die young.⁷³

Striving to hedge all senses into a single sexual channel of the marital bed, the rabbis linked the stray male gaze with fathering unworthy and physically impaired children. Paternal deviation, rather than parental misbehavior, bred disfigured children:

Why are (some children born) lame? Because their fathers “turned the tables” (i.e. had sex penetrating from behind). Why are some children born mute? Because their fathers kissed that same place (i.e. the vagina). Why are some children born deaf? Because their fathers chatted during intercourse. Why are some born blind? Because they look at the same place (i.e. the vagina). (BT Ned 20a)⁷⁴

Shifting both blame and praise to the habits adopted by women, the rabbis compiled a list of spaces of sex and of damaging edibles which induced or reduced the possibility of physical imperfections:

A woman who has sex in a mill will bear epileptic children. She who has sex on the ground will give birth to children with unusually long necks. If she steps on the blood of an ass she will bear scabby children. If she consumes mustard she will bear intemperate children. If she eats cress she will bear bleary-eyed children. If she eats fish brine will have children with blinking eyes. She who eats clay will bear ugly children. She who immoderately

⁷³ Massekhet Kallah 8, Brodsky, *Bride*, 137–42. Cf. Baraita de Niddah 2.7 (Horowitz, *Tosefta Atiqta* 5.20; E. Marienberg, “Baraita de niddah,” *Jewish Women’s Archive*, online), about procreation without fear of heaven, resulting in filling the fetus’ mouth with menstrual blood which invariably generates a defect baby. See also L. Lehmhaus and J. Watts Belser, “Disability in Rabbinic Judaism,” in *Disability in Antiquity*, ed. C. Laes (Abingdon 2017), 441–2 on sex and defects. Links between birth defects and sexual practices, primarily maternal flights of fancy during intercourse, had been a familiar component of medical theories in antiquity. Soranus, *Gyn.* 1.39.1 claiming that women seeing monkeys during intercourse give birth to children resembling apes. See O. Temkin, *Soranus’ Gynecology*, 2.10, pp. 79–80, on how to recognize a newborn worth rearing. Cf. Rabbi Yochanan stationing himself next to the bathhouse so that pregnant women could see him and consequently bear children as beautiful as he was, BT BM 84a, and Chapter 10. On beliefs in the impact of visual imagination on the shape of the newly born, B. Maire, “L’impregnation par le regard ou l’influence des ‘simulacres,’” in *Mirabilia. Conceptions et représentations de l’extraordinaire dans le monde antique*, ed. O. Bianchi and O. Thévenaz (Bern 2004), 279–94, where maternal, rather than paternal, flights of fancy are counted as the main reason for blemished children.

⁷⁴ Cf. embryological speculations on the formation of “normal” and “abnormal” fetuses, and respective parental “contributions” in BT Nid 31a, with Kessler, *Conceiving Israel*. BT Hul 69a asserts in the world of animals the blind gives birth to blind, and lame to lame.

drinks alcohol will bear ungainly children. She who eats meat and drinks wine [in the right quantity and proportion] will have children with robust constitution. If she eats eggs she will bear children with big eyes. If she eats fish she will bear graceful children. If she eats parsley she will bear beautiful children. If she eats coriander she will bear stout children. If she eats an ethrog (citron) she will bear fragrant children. (BT Ket 60b-61a)

The association of travestied sex and food with the wholeness of the fetus reflects not so much rabbinic medical knowledge as an effort to control marital intimacy and the bodies of child-bearing females. A strategy of fear was adopted. What man, diligently complying with the command to procreate, would want his efforts to go awry?⁷⁵ What female would run the risk of giving birth to a blemished child?

Blemishes and Brides

Rabbinic literature enumerates defects/deformities (*mumim*) of the young that would have affected their long-term marital prospects. In the case of daughters with disability, the validity of marital arrangements depended on parental honesty, specifically on timely disclosure of her lack of physical wholesomeness. M Ket 7.7–8 stipulates that pre-betrothal deformities, if detected after betrothal but before marriage, invalidated the former. If detected after the wedding they invalidated the marriage itself. At stake was the question not of the functioning of the disabled as a marriage partner but of deliberately concealed physical blemishes of brides or bridegrooms:

All blemishes (*mumim*) that disqualify priests also disqualify females. If she bore blemishes when she had been living in her father's house, her father must bring proof that these blemishes developed only after the betrothal . . . If she entered the husband's power [and he wanted a divorce on grounds of her disability], he must bring proof to the effect that she had these blemishes before the betrothal and that he had been "duped". This is all according to Rabbi Meir. Other sages elaborate: What is this all about? About blemishes/disabilities which remain concealed. As far as visible blemishes are concerned he [the groom] has no [legal] leg to stand on. Moreover, if there is a bathhouse in that town, the groom has no legal claim [against the father]

⁷⁵ Cf. the impact of maternal visions during impregnation on the shape of the newly born, Soranus, Gyn. 1.3.9.1 (mothers giving birth to children resembling monkeys because during intercourse they saw monkeys); Maire, "L'imprégnation par le regard," 279–94, and this chapter. For comparable data, M. Stol, *Birth in Babylonia and in the Bible. Its Mediterranean Setting* (Groningen 2000), *passim*.

even regarding concealed blemishes because these should have been verified by his female relatives.⁷⁶

Perhaps the equation between brides and priests reflected rabbinic convictions that a Jew deserved a female partner devoid of bodily imperfections. Leviticus 21:17–19 lists blemishes (*mumim*) whose presence or absence was critical for the preservation of the perfection of the priestly body in charge of sacrifices. Among the excluded were the blind, the lame, those with scarred faces, uneven or broken limbs, hunchbacks, dwarfs, the blurry eyed, those with skin disease and anyone with crushed testicles, all but the last also clearly visible. The Mishnah focused on priestly proportions of the entire body, from toes to skull. A priest could not have a misshapen skull or distorted facial features (M Bechorot 7.1). An ideal priestly face would be perfectly symmetrical, with even eyes, average size nose and ears, even lips and perfect teeth (M Bech 7.3–5). To complete the list, the perfect priestly body had to be well ordered, with flat chest and stomach and evenly matched testicles (M Bech 7.5).⁷⁷ A child with an exceptionally short or long neck, exceptionally large or small eyes, a body larger than its limbs, a very large or tiny nose, one eye lower than the other, a protruding lip or one testicle was considered a misfit if born in a priestly family (*ibid.*).

Concealed congenital defects of brides-to-be regardless of age, even if healed professionally, disqualified betrothals (T Ket 7.8). Marital arrangements involving a girl burdened by disability at birth still required parental disclosure before betrothal (T Ket 7.10). Among concealed defects, the rabbis counted bad odor from the mouth, excessive smelly sweat and hairless moles, all of which had to be pointed out to prevent later surprises (T Ket 7.9). Defects of would-be bridegrooms included skin disease, bad mouth odor or a tumor, blindness in one eye and lameness in one leg (M Ket 7.9–10; T Ket 7.10). Other marriage-disqualifying disabilities were sudden deafness of the bride or groom (T Yev 10.1), and a sudden injury to the groom's genitals on the eve of the wedding (T Yev 10.2–5).

Rules relating to the nature and the history of these defects reflected rabbinic efforts to ease the difficult transfer from parental to husband's home for daughters and from bachelorhood to marital state for sons.

⁷⁶ M Ket 7.7–8; On this passage, see Wegner, *Chattel or Person*, 85 and Satlow, *Marriage*, 309 note 56, with reference to T Ket 7.10 on the nature of premarital vows and blemishes, and this chapter. Cf. M Kidd 2.5 invalidating betrothal if the marital contract was based on the perfection of the bridal body – if blemishes were found after the marriage, the wife could be dismissed without her dowry.

⁷⁷ Abrams, *Judaism and Disability*, 16–70 on ideals of priestly perfection.

The catalogue of defects and effects was not a simple one because defects undermined the discourse of the ideal marriage between perfectly formed daughters and sons of perfectly formed Jews. Yet in a world of vagaries, rabbinic recognition of the permanent threat of defects shows that such ideals often remained an idea without a body.⁷⁸

Rites of passage, including the betrothal and marriage of disabled girls, mediated their entry into a complex world of social relations. Rabbinic courts endeavored to accommodate their needs, not the least by acknowledging the ability of the youth in question to act with “*daat*” (cognizance, awareness):

How does a man proceed to betroth a girl (*naara*, age twelve+), who is an orphan without either a father or a mother, blind in both eyes and deaf, hears not, speaks not, and sees not, and who is also either an heiress or exceedingly beautiful? What is to be done when she does not hear or speak so that she will know who is the one seeking to betrothe her? If the betrothal is done in secrecy, she may think that he pitied her. Whoever seeks to betroth her must do so in the presence of witnesses. He should place the betrothal money in her palm, fondle her breasts and embrace her so that she will be fully aware of the purpose of these actions. If she throws down the money it is to be taken as a refusal (*meun*), indicating that she is neither asking to be betrothed nor is betrothed. If she smiles and holds on to the betrothal token (i.e. money) in her hand, she is taken to accept, willingly, the proposal. If he marries her and has intercourse with her [he cannot divorce her] unless she commits adultery.⁷⁹

Notwithstanding the girl’s conspicuous disability, she was assumed to have been in possession of faculties sharp enough to understand what was happening and to actively participate in the betrothal process. She clearly had no living relatives or anyone capable of verifying the credibility of her suitors. To prevent an alliance based solely on mercenary motives the mediating rabbis decreed that such a marriage could not end in divorce. Husbands of disabled females had to provide for them (PT Ket 1.2, 25b), nor were they entitled to inherit the assets which the girls had brought to the marriage if they died. Whether such constraints worked in reality is difficult to assess. Perhaps the attendant publicity and the presence of witnesses acted as sufficient deterrents.

⁷⁸ Cf. M San 8.4 that excuses parents from disclaiming a “rebellious son” if either mother or father was lame, blind, deaf or mute.

⁷⁹ Newman, *Maasim*, no. 14, pp. 140–1. I prefer Mann’s corrections in this case. Chapter 4.

Deaf-Mutes, Imbeciles and Children (Heresh, Shoteh, Katan)?

Strikingly and consistently, the rabbis associated the disabled, physically and mentally, specifically the deaf-mute (*heresh*) and the mentally ill (*shoteh*), with minors (*ketanim*).⁸⁰ A common denominator of all three was mental maturity (*da'at*), or rather its lack.⁸¹ *Da'at* consisted of the capacity of consciously conforming to social and ritual expectations and conventions, and of acting in full consciousness of what one was performing with all its ramifications. According to these criteria, an individual who could not hear, speak or act rationally was like a child, incapable of understanding and of fulfilling the obligations that governed the universe of Jewish adults.⁸² In an eminently masculine framework of affiliation there was no initiation for those who stood outside the confines of Torah obligations.⁸³ In this context, children constituted a linguistic act, a category temporarily marked by deafness and by limited mental capacity.

Responsibility for one's action accounted for the frequent juxtaposition of deaf-mutes, the mentally disabled and children. None could be

⁸⁰ See the detailed presentation of Abrams, *Judaism and Disability*, 123–97 on common lack of *daat*, esp. 168–90 on this trio of *heresh*, *shoteh*, *katan*, and Chapter 2. Lehmhaus, “Disability in Rabbinic Judaism,” 444–6 on *shoteh* and its various manifestations. Cf. this association with that of “women, slaves and minors,” an association representing status-deficiency rather than intellectual-mental deficiency, with Hezser, “Women, Slaves and Minors,” in eadem, *Jewish Slavery*, 69–82; and eadem, “Passover and Social Equality,” 91–107. Deut 28:28 inflicts blindness and madness as penalties for violating the covenant between Yahweh and Israel, as though these visible and visual defects disqualify Jews from membership in the community of Yahweh's worshippers. See also S. Fishbane, “Handicapped,” in idem, *Deviancy*. On biblical views of defects, S. M. Olyan, *Disability in the Hebrew Bible. Interpreting Mental and Physical Differences* (Cambridge 2008), and J. Schipper, *Disability Studies and the Hebrew Bible. Figuring Mephiboseth in the David Story* (New York 2006). On deaf-mutes in antiquity, C. Laes, “Silent Witnesses: Deaf-Mutes in Graeco-Roman Antiquity,” *Classical World* 104 (2011), 451–73. My thanks to Christian for kindly forwarding this article. Considerable work has been done on disabilities in antiquity in recent years, rarely referring, however, to children and impairments; see also the bibliography in J. Draycott, “Review of C. Laes, ed., *Disability in Antiquity. Rewriting Antiquity* (London 2017),” *BMCR* 2017.06.53 (online).

⁸¹ E. Kellenberger, “Children and Adults with Intellectual Disability in Antiquity and Modernity. Toward a Biblical and Sociological Model,” *Cross Currents* 63 (2013), 449–72; Lehmhaus, “Disability in Rabbinic Judaism,” 444–6 on different characterization of *shoteh* in Palestinian and Babylonian discussions.

⁸² T Hag 1.3–4, and Chapter 3.

⁸³ Cf. the Qumranic rule of dissociating from the (Messianic) assembly the disabled (paralyzed, blind, deaf, dumb, flesh stricken by blemishes), as well as elderly tottering males, *Rule of the Congregation* (1 QSa=1 Q 28a=Messianic Rule), with Shemesh, “The Holy Angels are in their Council.” Cf. the Damascus Document, which exempted the deranged, feeble minded, insane, blind, lame, paralyzed, deaf and young boys from learning amid the angelic assembly, 4Q 266 frg 17; Martinez, *The Dead Sea Scrolls Translated*, 54. Here the conflation of disabilities and childhood comes closest to the rabbinic notion of lack of control over one's body and mind (i.e. physical and mental imperfection) as the hallmark of the disabled and of young children.

held accountable for violating Torah rules. If a child of a member (*ben haver*) visited his maternal grandfather who belonged to “*Am Haaretz*,” and ate something there, the action, here clearly devoid of intention to commit a transgression, was overlooked.⁸⁴ No such dispensation was granted to an adult “member,” even if prompted by his own child and by food out of the kitchen of his own in-laws.⁸⁵ The underlying assumption was that a child did not deliberately engage in violating rules and hence could not be held responsible for failing to follow them.

Measuring children’s mental ripeness and command of faculties in the context of physical and mental disabilities suggests a degree of interchangeability but also a finality. The likelihood of a handicapped individual to recover either senses or mental capacity appeared limited but, theoretically at least, not altogether implausible. Paradigmatic childhood, on the other hand, consisted of the paradox of inevitably shedding the traits permanently attached to the disabled. Childhood was a repetition, in reverse, of disabilities inflicted in adulthood. Explicit as the comparison of childhood with deafness and madness was, it was not without ambiguity. It could be construed as a wordplay that opened a sinister gap between actions devoid of intention vis-à-vis obligations fulfilled with full consciousness. It could have been conceived in order to highlight a commonality of marginality of these groups.⁸⁶ And it might also have served as a reminder that there were many references to “children” (*ketanim*) in rabbinic sources that did not link them with the disabled. Intermingling children and disabilities was a feature peculiar to the rabbinic genre, a mode of confronting issues of the present.⁸⁷

⁸⁴ T Demai 3.5. *haver* commonly designated a Torah scholar who is extremely careful about rules regarding purity, the opposite of the ignorant *Am Haaretz*. On the latter, A. Oppenheimer, *The Am Ha-Aretz. A Study in the Social History of the Jewish People in the Hellenistic-Roman Period* (Leiden 1977). On *haverim*, BT Ber 47b, with I. Z. Gilat, (1998) “Reliability of the *haver* and its Implications toward his Children,” *Sinai* 122 (1998), 83–93 (Heb).

⁸⁵ Silman, “Basic Norm,” 31, distinguishes in this case between an early Halakha (ruling) that tended to be more severe by grouping children and adults as equally responsible for Torah transgressions and a later (i.e. tannaitic) ruling that exempted infants but not their fathers.

⁸⁶ Cf. the marginalization of madness and physical disability in medieval Jewish society, E. Shoham-Steiner, *On the Margins of a Minority. Leprosy, Madness and Disability among the Jews of Medieval Europe* (Detroit 2014), 73–180.

⁸⁷ Silman, “Basic Norm,” 23–51 (Heb) explains the juxtaposition in light of two rabbinic approaches to the Law: deontological that derives the validity of the Halakha from the reciprocity of obligations-and-obedience to God’s precepts regardless of their specific contents, and teleological that sees the validity of the Halakha as a result of an ideal order that must be preserved. To examine the tension between the two approaches Silman focuses on attitudes to those who are not obligated to maintain mitzvot, namely the physically and mentally handicapped and children.

An equation of minors with deformity in matters relating to divorce procedures highlights rabbinic notions of the reversibility of disabilities. Theoretically, everyone was entitled to write a writ of divorce, including the deaf-mute, the mentally disabled, minors and women (M Git. 2.5). But the formulaic composition was merely a preliminary devoid of legal validity.⁸⁸ No deaf-mute, mentally disabled person, minor, blind person or gentile was entrusted with the crucial task of carrying the writ to the party concerned:

If, prior to the delivery of the writ of divorce the child matured, the deaf-mute recovered his senses, the blind person regained his sight, the lunatic became sane, and a gentile converted, the writ is invalidated. If, however, prior to the delivery a hearing person lost hearing and speaking faculties and then regained his senses, a seeing one lost his sight but regained it, a sane person lost his mind but regained it, the writ is valid. This is the rule: every step that begins and ends with full cognition (*da'at*) is valid (*kasher*).⁸⁹

How often did an unexpected, if not miraculous, reversal occur? No timeframe was set for such remarkable processes, as though there could be no fixed chronology for entering adolescence, for the conversion of a gentile or for going blind. Perhaps the speculations regarding messengers of divorce reflected a belief that a disability not associated with birth could be reversed. One may well ask how long did a woman have to wait to finalize her divorce under such circumstances.⁹⁰

Children and mentally afflicted adults possessed the kind of innocence that made their guileless utterances mediators of the future but also vulnerable to manipulation.⁹¹

Rabbi Yochanan said: From the day that the Temple stood in ruins, prophecy was taken from the prophets and conferred on the mentally disabled (=fools/lunatics, *shotim*) and on infants (*tinokot*). (BT BB 12b)

⁸⁸ M Git 2.5, validity dependent on acknowledgment of receipt and on signature of witnesses.

⁸⁹ M Git 2.6. BT Git 23a reports an argument between two rabbis, both reputedly blind, who disagreed over the territory where a blind person may, or may not, be acceptable as a carrier, one allowing a blind person to operate as a messenger in the Land of Israel, while the other rejects such services in both the Land of Israel and Babylonia. T Git 2.6 curtly allows everyone, other than *heresh*, *shoteh* and *katan*, to receive a writ. On adults who lost their hearing or mental faculties, M Yev. 14.1.

⁹⁰ The only specific time set in the Mishnah's discussion of divorce refers, in a different set of rules, to thirty days and to twelve months (M Git 7.7–8).

⁹¹ Chapter 2. On children as mediums of divination see Horn and Martens, *Let the Children Come to Me. Childhood and Children in Early Christianity*, passim, esp. 179. See also M. Malul, "Out of the Mouth of Babes and Sucklings You Have Found Strength (Ps 8:3). Did Children Serve as Prophetic Mediums in Biblical Times?" *Journal of Northwest Semitic Languages* 33 (2007), 1–32.

This categorical pronouncement of a well-known Palestinian sage received corroborative anecdotes that included one about a precocious daughter of a Babylonian sage (BT BB 12b). When presented with two young sages and asked to select her future husband, the child pointed at both youths. One hastened to suggest that he be her second rather than her first husband. And so it apparently transpired. This quaint vignette hardly inspires confidence. It clearly was a *vaticinium post eventum*, a prediction made after the event had taken place, tantamount to saying that the mindful took cognizance of the mindless when their words echoed their desires. Framing these anecdotes by a rabbinic debate over the fate of post-Temple prophecy, the text was designed to belittle contemporary practitioners of this art. Yielded by children and fools, contemporary “prophets” had clearly nothing to do with divinely inspired revelations.

The tendency to associate a specific disability (deaf-muteness) with mental disorder and both with childhood traversed a landscape littered with fragments of words and with flashes of the mind. Audio and verbal faculties were natural allies of mental incapacitation. Blindness and muteness, on the other hand, sat uneasily in this company, neither disability incapacitating one’s mental faculties. In a set of regulations regarding the public reading of Scripture, a child and a blind person were allowed to participate actively, the former as a reader of the Torah, the latter as a leader of the Shema prayer and as a translator (interpreter) of Scripture (M Meg 4.6). A question was raised: How could a blind person who had never seen the light of the day publicly lead a prayer that specifically blessed the creation of light? (Gen 1) (ibid.). The defenders of the blind resorted to a clever argument, employing Ezekiel 1 as a proof-text. They pointed to the plain fact that any reader of the prophet’s famed vision of the chariot of fire was hardly likely to have seen a celestial vehicle of this type with his own eyes (BT Meg 24b). Blindness, one was forced to surmise, did not limit the imagination. A supporter of the blind’s participation in synagogue service further adduced a novel interpretation of Deut 28:28–29: *God will inflict [on transgressors] madness, blindness and confusion of the heart, so that you will grope your way at noon as the blind does by night.*

One day when I was walking in pitched darkness, I saw a blind man walking with a torch in his hand. Why do you carry a torch? I asked. He responded: So that people can see me and save me from holes, thorns and bushes. (BT Meg 24b)

While presenting the “fully” disabled as strangers unlikely to overcome their alienation, rabbinically generated “miracles” had the potential of curing

a debilitating disability, thus creating a space for reintegrating the cured. An anecdote about the healing of two mute boys shows how prayers wielded by the correct rabbinic authority enabled the two to regain verbal capacity:

There were two dumb youngsters in Rabbi's neighborhood. Some say that these were the grandchildren of Rabbi Yochanan, others that they were his nephews. Every time Rabbi (=Rabbi Judah the Patriarch) entered his school (*beit midrash*), the two promptly sat at his feet, nodding their heads, and moving their lips. Rabbi prayed for them and they were cured. It was then found that they knew well all of Sifra, Sifre and Halakha (i.e. midrash and the law). (BT Hag 3a)

Rabbinic speculations on the nature of childhood as a period of physical and mental disability pointed to adolescence as a period of shedding ambivalence. The transition from minority to majority, evident in mental maturity as well as in puberty, also marked changing relations between the young and society. But what about children who were abandoned to their fate at birth and in infancy?

Exposure and Abandonment

How great would have been the temptation to abandon children marked by a stain of bastardy or children with visible blemishes? The rabbinic list of the returning Babylonians who had come to Jerusalem with Ezra (c. 450 BCE) included, besides *mamzerim*, also the categories of *shtukim* ("silenced") and *asufim* ("gathered" or foundlings) (M Kid 4.1).⁹² According to rabbinic definitions, a *shtuki* was a child who knew his mother but not his father or one whose parentage necessitated an investigation.⁹³ An *asufi* was a child collected at the market who knew neither parent.⁹⁴ Whatever realities lurked behind these distinctions, the terms suggested divisions of origins.

What baby would have been found in a marketplace? Where would such an infant find a home? Above all, how could its Jewishness be established?

As long as an infant (*tinok*) is lying in the market place, either his father or his mother can testify (i.e. that it is their child and hence Jewish). Once the infant is taken away from the market, two witnesses are required [to attest to its Jewish origins]. Its own parents are acceptable as two witnesses.

⁹² The Bible remains reticent about the subsequent involvement of the silenced and the foundlings in the life of the returning exiles. Ez 2:59 refers to migrants who could not tell their genealogy (*beit avotam ve-zar'am*, their paternal clan and their descent) and whether they were "Israelites." Cf. T Kidd 5.1 where similar categories as those listed in the Mishnah are enumerated.

⁹³ M Kid 4.2; Cf. *Growing Up Fatherless in Antiquity*, passim, and Chapter 2.

⁹⁴ Ibid.; Cf. BT Kid 74a where the testimony of an unmarried mother is accepted, regarding the man party to the child's conception.

The rabbis at Caesarea maintained in the name of Rabbi Hisda that this was applicable only to stationary infants (i.e. non-walking?). A mobile infant requires two witnesses, or his parents [to attest to his “kosher” status]. This corresponds with the words of Rabbi Yannai who asserted that jumping (i.e. capable of wandering away) calves and lambs require proof of ownership. (PT Kid 4.2)

This is a touching and provocative image, molded on the iconic narrative of the abandonment of Moses in Exodus 2. In biblical Egypt the rescuing Egyptian princess immediately surmised that the baby in the basket must be a Hebrew and hence she readily accepted the offer made by Moses’ sister to employ a Hebrew wet nurse. In Roman Palestine, where princesses were scarce and sisters supposed to stay at home, parents were expected to come forth in order to ascertain the Jewishness of the child whom they had abandoned, perhaps in the hope of improving the child’s prospects.

Abandoned children required investigation. Efforts were made to clarify the circumstances of the exposure: Where was the market place? Who lived in that locality? Was the baby already circumcised, if male? Was it a child of freeborn or bonded parents, Samaritan or Jewish? Was it collected to be made a slave or a free member of the adopting family? Did the abandoned infant bear an amulet or some other token of identity? Was it found near a synagogue? Were these hard times, fraught with famine? Was the infant suspended from a palm tree or put in a pit?⁹⁵ All these factors merited consideration. They had far-reaching consequences for the ultimate reintegration of the foundling into the community.

It was assumed that in towns with mixed Jewish and gentile population, a foundling was deemed Jewish if the majority of the inhabitants were Jewish.⁹⁶ Yet, if the abandoned baby was found in a town boasting a single gentile woman or a maidservant, the child was judged to have been gentile or bonded. Jews, the rabbi tacitly assumed, did not abandon their babies.⁹⁷

⁹⁵ BT Kid 73b. On circumcision and foundlings, see Chapter 3.

⁹⁶ M Makhshirin 2.7. Cf. PT Yev 8.1 with Chapter 3.

⁹⁷ T Makhshirin 1.8. For weighing the evidence, notably of Philo, Josephus, rabbinic and non-Jewish sources, as well as for survey of scholarship, C. Hezser, “The Exposure and Sale of Infants in Rabbinic and Roman Law,” in *Jewish Studies between the Disciplines. Papers in Honor of P. Schaffer*, ed. K. Herrmann et al. (Leiden 2003), 3–28, esp. 13–16 on *asufim*; D. R. Schwartz, “Did the Jews Practice Infant Exposure and Infanticide in Antiquity?” *The Studia Philonica Annual* 16 (2004), 61–95. See also E. Koskeniemi, *The Exposure of Infants among Jews and Christians in Antiquity* (Sheffield 2009). On abandon/exposure/adoption/fosterage of children within the Greco-Roman context, V. Vuolanto, “Infant Abandonment and the Christianization of Medieval Europe,” in *The Dark Side of Childhood in Late Antiquity and the Middle Ages: Unwanted, Disabled and Lost*, ed. K. Mustakallio and Chr. Laes (Oxford 2011), 3–19. On the male–female ratio of exposure see the challenging conclusion of E. Scott, “Killing the Female? Archaeological Narratives of Infanticide,” in *Gender and the Archaeology of Death*, ed. B. Arnold and L. Wicker (Walnut Creek 2000), 3–21.

Evidence of Jewish awareness of the widespread practice of exposure/infanticide goes back to the Bible. In hauntingly beautiful verses, the prophet Ezekiel described the birth, exposure and adoption of a baby girl, a parable standing for the hi/story of Jerusalem.⁹⁸ The terminology employed reflected familiarity with Mesopotamian practices of casting children in streets, woods, mountains, rivers, wells, swamps and puddles, as well as of formal parental renunciation in order to effect subsequent adoption.⁹⁹ In the first century CE both Philo and Josephus denounced exposure, insisting that abandoning babies amounted to sacrilege, a crime against the very essence of divine precept to procreate, and hence an antithesis of Judaism itself.¹⁰⁰ Realities behind rabbinic statements on child's abandonment required refinement. In one exegetical passage of Gen 18 (the annunciation to Abraham and Sarah and birth of Isaac), those invited to celebrate Isaac's weaning mocked the child's elderly parents behind their back. They believed the rumor that the child Abraham and Sarah claimed as their own had been rather collected off the streets.¹⁰¹ To refute the allegation two miracles were required, a conclusion hinting the plausibility of the circulating gossip.

It is difficult to gauge how the socialization of children "gathered" at the market was envisaged.¹⁰² Perhaps we should equate the rabbinic "gathered children" (*asufim*) with the *threptoi*, outsiders, children and adults, who were brought into a household as either slaves or disciples.¹⁰³ None of the

⁹⁸ Ezek. 16:1–7; M. Malul, "Adoption of Foundlings in the Bible and Mesopotamian Documents. A Study of Some Legal Metaphors in Ezekiel 16:1–7," *JSOT* 46 (1990), 97–126.

⁹⁹ Cf. the widely attested custom throughout the Mediterranean of depositing unwanted babies on dung heaps, Scobie, "Slums, Sanitation and Mortality," 419. Lewis Avissar, Preface.

¹⁰⁰ Schwartz, 64–5 for a brief summary of ancient views on exposure. The literature on child sacrifice is substantial. See J. D. Levenson, *The Death and Resurrection of the Beloved Son. The Transformation of Child Sacrifice in Judaism and Christianity* (New Haven 1993). Cf. censure of infant exposure in Roman society as early as c. 200 CE, as well as the continuing gap between legal theories that called for banning the practice with severe penalties and realities that indicated continuity, A. Giardina, "The Family in the Roman World," *CAH* 14, 392–415, esp. 408–9.

¹⁰¹ BT BM 87a.

¹⁰² Two studies highlight the absence of a legal mechanism for fosterage/adoption in ancient Judaism, M. Peppard, *The Son of God in the Roman World* (Oxford 2011), 98–103 on teacher–student relations, in which the teacher stood *in loco parentis* and the Torah acted as the adoption agency; and Weisberg, *Levirate Marriage*, 186–7 and passim, on levirate marriage as a transformer of biological paternity. For the Greco-Roman context of exposure, fosterage and adoption see J. Evans Grubbs, "Hidden in Plain Sight: *Expositi* in the Community," in *Children, Memory and Family Identity in Roman Culture*, ed. V. Dasen and Th. Spaeth (Oxford 2010), 293–310; and S. R. Hübner, "Adoption and Fosterage in the Ancient Eastern Mediterranean," in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. J. Evans Grubbs and Tim Parkin (Oxford 2013), 510–31.

¹⁰³ A. Sivertsev, *Private Households and Public Politics in 3rd–5th Centuries Jewish Palestine* (Tübingen 2002), 128–31 for summary of opinions regarding *threptoi*. See the excellent study of E. Habas

sources referring to *threptoi* specified whence they hailed or whether they had been legally adopted. But rabbinic efforts to lend legitimacy to abandoned babies who could be considered Jewish reflected the risks of isolation rather than integration. By merging the categories of exposed infants with the biblical collectivity canonized in Ezra, abandoned children could be reintegrated into a society that put an exceptionally high value on the legitimacy of birth. Because exposed or abandoned children lacked a status with unequivocal interpretation, the mechanism of their reintegration remained equally obscure.¹⁰⁴

Conclusion

How did children burdened at birth by legal or physical impediment belong to the civic body? How should we reconcile the proverbial trio of “deaf mute-mentally disabled-minor” that pervaded rabbinic discussions of participatory rules in communal rituals with the presence of deformed children? Defining citizenship in terms of compliance or exemption from obligatory rituals ran against the wall of the equally indispensable criterion of birth. Even if we maintain that rabbinic insistence on coupling the disabled with children aimed exclusively at male minors, repeated insistence on legitimate marriage and procreation required the couching of disabled female children to become participatory partners in producing Jews. Marriage proved an escape from the crushing weight of the laws that, paradoxically, condemned “bastards” to marry only their “kind.”

Discussions of deformity etched an asymmetry between complete Jews and those not quite, or not yet, there, namely permanent “children.” Yet even in this monopolized discourse of disequilibrium of religious duties and responsibilities, it would have been impossible to distinguish a “normal” from an “abnormal” child.¹⁰⁵ And it would have been pointless to insist on categorizing deaf-mutes, mentally ill and children as “false” Jews. In order to avoid the problem altogether, the three groups were

(Rubin), “*Threptoi* on Inscriptions from the Land of Israel,” in *Ohev Shalom. Studies in Honor of I. F. Ben Shalom*, ed. D. Gera and M. Ben Zeev (Beer Sheva 2005), 489–98. (Heb) who notes, with reason, that Severus of Hamat Tiberias’ inscription (fourth century CE), described as *threptos* of the illustrious patriarchs, could not have been a slave or a disciple or a foundling but rather a relative who was orphaned at a young age and consequently brought up in the house of his wealthy relatives.

¹⁰⁴ Cf. the acceptability of technically illegitimate children produced by informal, marriage-like unions in Greco-Roman Egypt, H. C. Youtie, “ΑΠΑΤΟΡΕΣ: Law vs. Custom in Roman Egypt,” in *Le Monde Grec. Hommages. Préaux*, ed. J. Bingen et al. (Brussels 1975), 723–40.

¹⁰⁵ A conclusion admittedly drawn on the basis of the silence of the sources, in itself perhaps questionable.

subjected to a double deferral, of full participation in the religious space that defined a “Jew” (male) and of eventual emergence from their state of being. The sole exceptions were minors whose association with the handicapped established the ideal that all three violated the status of normalcy.

We may look in vain for evidence that the disabled or the deformed were singled out as objects of ridicule in Jewish society. But the notion of disability as a punishment inflicted by God for parental transgressions seemed ubiquitous, and the exclusion of the deformed and the disabled from officiating at religious rites and from priestly offices was shared by Jews and gentiles. In the pan-Mediterranean context, disabilities played a significant role in constructing social identities.¹⁰⁶ Forms of deformity and disability were sufficiently common to be considered “normal” in the Greco-Roman orbit, where the functioning and social integration of the deformed and the disabled were assessed on the basis of physiognomy and aesthetics.¹⁰⁷ Although the rabbis acknowledged distinctions between chronic or irreversible ailments, medical treatments were not always available.¹⁰⁸

¹⁰⁶ See the articles assembled in *Disability Studies Quarterly* and in *Madness, Disability and Social Exclusion. The Archaeology and Anthropology of Difference*, ed. J. Hubert (London, New York 2000). Comparative studies have helped to address questions such as how did Greeks, Romans, Jews and others classify bodies? How did they conceptualize deformities and disabilities? Why, where and when were these considered aberrant, unnatural, abnormal and even monstrous? What abilities, as opposed to disabilities, were cherished by the society that took notice of such oppositions? What distinctions, if any, were drawn between congenital deformities/disabilities and those acquired in adolescence or adulthood?

¹⁰⁷ Garland, *The Eye of the Beholder*; C. Laes, “Learning from Silence. Disabled Children in Roman Antiquity,” *Arctos* 42 (2008), 85–122; idem, “How Does One Do the History of Disability in Antiquity? One Thousand Years of Case Studies,” *Journal of the History of Medicine* 23 (2011), 915–46; idem, “Raising a Disabled Child,” in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 125–44.

¹⁰⁸ Preuss, *Biblical and Talmudic Medicine*, passim. Cf. Garland, passim, on treating malformations such as clubfeet, epilepsy and disabilities resulting from hysteria.

PART II

Children in the Synagogue

*Visualizing the Bible*¹

Scripture and synagogue provide a primary reading for framing Jewish childhood. They account for the social experience and acculturation of children into a society governed by communal prayers, festivities, synagogal gatherings and rules harking back to Scripture. In this chapter I explore the role of words and of pictorial imagery in constructing identities in synagogal spaces. I am asking how visual literacy was employed to inculcate and perpetuate traditions that groomed children as Jews.

When the Temple stood in Jerusalem, Jewish children were initiated into Temple cult and ideology during one of the annual pilgrimage festivities. When the Temple was destroyed (in 70 CE), rabbinic imagination reconstructed a verbal Temple, down to the most minute architectural detail, sacrifices and services included. In Late Antiquity, paradigmatic children, lifted out of the biblical text, were placed on artful walls or floors of synagogues, side by side with symbolic representations of the Temple and the priesthood. As visual reworking of biblical tales these images supplemented the verbal and moral lessons derived from Scripture.

How, precisely, were images integrated into Jewish school curricula in late antiquity is difficult to gauge.² In the vast corpus of texts associated with rabbinic literature (Mishnah, Tosefta, Talmud, midrash) there are no sustained discussions of either learning or teaching theories and practices, or of visual stimuli.³ Assuming a degree of universality in matters

¹ This is a revised version of an article originally published in *The Oxford Handbook of Childhood and Education in the Classical World* (2013). I am grateful to Judith Evans Grubbs and Tim Parkin and to Oxford University Press for their permission.

² A question left undiscussed in standard references to Jewish education in antiquity, S. Safrai, "Elementary Education, its Religious and Social Significance in the Talmudic Period," *Cahiers d'histoire mondiale* 11 (1968), 148–69; Hezser, *Literacy*, passim.

³ Textual stimuli, by contrast, appear to have constituted the very core of the rabbinic discourse. For a useful modern guide, M. Aberbach, *Jewish Education in the Periods of Mishnah and Talmud* (Jerusalem 1982) (Heb). Chapter 2.

pertaining to elementary education, the acquisition of rudimentary/functional literacy via letters, syllables, dictation, copying and recitation would have been conducted primarily through interaction between pupils and teacher, as well as among pupils at various levels of learning.⁴ These methods are illustrated in a pictorial cycle that featured the childhood of a boy named Kimbros.⁵

Already at home the child protagonist is made to realize that learning involved not pleasure but pain. The first mosaic panel (Figure 6.1) shows Kimbros being flogged at home by his tutor, possibly a slave member of the household assigned to instruct children. Sent to school, Kimbros joins other children at the residence of the teacher, Alexandros, who welcomes his new charges with open arms and a warm embrace. Alexandros was probably a *grammaticus*, a secondary level teacher. His pupils are further socialized through forging friendships among themselves under the auspices of Philia, the very personification of friendship. Another panel (Figure 6.2) depicts the children congregating around their teacher and eagerly listening to his words, which Paideia herself, the personification of education, draws out of his mouth.

By far the most intriguing panel in the mosaic series is the one illustrating the application of rhetorical exercises to play enactment (Figure 6.3). The children are introduced to the process of petition, a ubiquitous feature of life under Roman rule. They are ranged in two pleading camps. The teacher acts as a judge. When Kimbros' side "loses" the case, he is carried, defeated and deflated, out of the classroom on the arms of two schoolmates, possibly his equally unsuccessful co-pleaders.⁶ To complete the representation of realities another panel depicts Kimbros succumbing to illness. He is lying in

⁴ For useful general comments see Horn and Martens, *Let the Children*, 116 ff.

⁵ C. Marinescu, S. E. Cox and R. Wachter, "Paideia's Children: Childhood Education on a Group of Late Antique Mosaics," in *Constructions of Childhood in Ancient Greece and Italy*, ed. A. Cohen and J. B. Rutter (Athens 2007), 101–14. I am grateful to Constantine Marinescu for forwarding this article to me and for granting permission to reproduce several panels. The precise provenance of these mosaics is unknown but a Middle Eastern origin is more than likely. They are dated to either the fourth or the fifth century, largely on stylistic criteria. The identity of the child has not been established. The name Kimbros/Kimber is rare. It appears in second-century CE documents from the Judean Desert, where it designates a Jewish man. There is a total of twelve in *The Lexicon of Greek Personal Names* (www.lgpn.ox.ac.uk/database/lgpn.php), (Macedonia, Thrace, the Black Sea, Central Asia Minor). Cf. the recreated school scenes in school exercises and hermeneumata, Dionisotti, "From Ausonius' Schooldays"; Hopkins, "Everyday Life," Dickey, *Colloquia*, Preface.

⁶ See Marinescu et al. 2007 for a different interpretation.



Figure 6.1. Kimbros at home.



Figure 6.3. Kimbros and school charades.

bed, clearly unwell. Happily, Kimbros recovers and rejoins his little friends and his teacher.⁷

It would be idle to speculate on the original setting of such a series, or even whether they delineate imaginative or concrete protagonists. They may have been commissioned by the teacher to embellish the teaching venue and to enliven the lessons. The mosaics highlight a simple and effective use of oral and visual stimuli. Designed to overcome monotonous repetition, these methods challenged the text, be it petitions presented by plaintiffs in real courts of law, or Scripture in synagogues where the Torah text was the norm for study, meditation and patterns of behavior.⁸ That Jewish teachers employed similar pedagogical strategies may be gleaned from hermeneutic traditions, such as the exegesis (midrash) attached to the books of the Pentateuch. For example, to drive home the meaning of Leviticus 25:36 (*let thy brother live with you*) where, it may be noted, the original text refers to leniency regarding loans, the following story was concocted:

Ben Patura used to say: If two men are traversing the wilderness with a single jug of water between them and in it water sufficient for only one of them, what should they do? Should one only drink so that he may reach safety and civilization because if both drink they will both die? Ben Patura taught that they should both drink and die as it is stated: *That your brother may live with you* (Lev 25:36). Rabbi Akiva said [on the basis of the same scriptural verse]: Your own life comes before the life of a fellow man (in such circumstances). (Sifra, BeHar 5.3, on Lev 25:36; BT BM 62a)

It can be easily imagined how children were assigned the roles of the two men as they debated the verse in order to comprehend the two views, particularly Akiva's claim that concern for one's own life can and should take precedence.

I begin the synagogue round in Macedonian Stobi, where a dedicatory inscription marked the transformation of domestic space into a sanctuary with inherited privileges. How did this form of de-privatization shape the lives of children in this household? From Stobi my gaze shifts to another converted space, in Dura on the Euphrates,

⁷ Cf. the sarcophagus of the child Marcus Cornelius Sosthenes, second century, from Ostia, whose brief life is presented in four parts, birth, represented by his nursing mother with his father watching, Sosthenes in his father's arms, representing the transition from maternal to paternal domain, the child driving a chariot, possibly representing the games children played, and lastly the child at school, declaiming his lesson in front of an attentive teacher or perhaps of an attentive father whose seated image complements that of the seated mother. C. Giroire and D. Roger, *Roman Art from the Louvre*. Catalogue of an exhibit (New York 2007), no. 76.

⁸ Safrai 1968: 155.

where Jewish children could feast their eyes on the most colorful assembly of biblical stories ever created on the walls of a synagogue. Between Stobi and Dura, children in Roman Palestine entered synagogue spaces stepping on floor mosaics which brought to life biblical tales involving children. As centers of sociability these synagogues played a role that was far from trivial in determining Jewish identity from infancy via adolescence to adulthood.

Synagogue as Home and Home as Synagogue

A solitary marble column, once gracing a synagogue and later incorporated into a church built into the Jewish sanctuary, invoked the conversion of a private domain into ritual space:

... Cl[audius] Tiberius Polycharmos,
also (named) Achyrios ("flaxen hair" or "the unexpectedly fortunate"),
father (*pater*) of the synagogue at Stobi,
having throughout led a life of a citizen
according to (the precepts of) Judaism,
(*hos poleiteusamenos pasan poleiteian kata ton Ioudaismon*)
[has donated], in fulfillment of a vow the[se] rooms (?)
to the holy place (*hagios topos*) . . .
Ownership and disposition of all the upper chambers is to be retained by me,
Claudius Tiberius Polycharmos,
And b my heirs all our lives . . .⁹

The donor, whose triple name does not even hint at his creed, styled himself "father of the synagogue," as though paternity defined both relationship and ownership of the floor which he dedicated to communal worship.¹⁰ With terms directly borrowed from the civic language designed to extol the affinity between citizens and urban environments, Polycharmos publicly proclaimed his allegiance not to his city but to the norms of Judaism. In the Macedonian Diaspora, the criteria of affiliation, at least in light of those articulated by Philo in first-century Alexandria, were based on key practices of circumcision, Sabbath, festivals, dietary laws

⁹ *IJOI*, ed. W. Ameling, D. Noy and H. Bloedhorn (2004), section 5, pp. 55–71. Dates proposed range between CE 163 and CE 279, perhaps even as late as the mid-fourth century. Polycharmos' synagogue is ordinarily marked as Stobie Synagogue I, to distinguish it from its late ancient successor, Synagogue II, and from the fifth-century Christian basilica.

¹⁰ P. A. Harland, "Familial Dimensions of Group Identity II: 'Mothers' and 'Fathers' in Associations and Synagogues of the Greek East," *JSJ* 38 (2007), 57–79, esp. 59–64 on parental terminology in the synagogue within the larger context of envisioning society as a household and the household as a microcosm of society.

and endogamic marriage.¹¹ Philo, perhaps Polycharmos as well, further advocated oral learning, a process most fruitfully performed during synagogue services where experts taught and preached the Law to audiences of fathers and sons.¹² In the Macedonian capital (Stobi was the capital of the province of Macedonia Secunda) the synagogue was tactfully tacked onto the fringe of the city center where it competed with urban concepts but not with constructions.

Polycharmos' dedicatory inscription would have been visible to all those who frequented his synagogue. Its location (the ground floor of the domicile) ensured that the lessons and liturgy associated with synagogues became integral components of the family's spiritual daily diet. Polycharmos' heirs (*kleronomoi*), whose property rights to the domestic synagogue were recorded for posterity on the marble column, would have grown up steeped in a tradition that combined adherence to basic Jewish precepts on the one hand and to practices of civic euergetism on the other. Unnamed, these heirs, possibly his sons and maybe also his daughters, were in all likelihood quite young, young enough for their father to incur the expense of an engraving which commemorated their privileges beyond his own lifetime. As children of a notable figure in the community they would have borne honorific titles commonly reserved for communal office holders and benefactors. At Rome, for example, children as young as seven and twelve bore the title of a *grammateus* ("secretary"), and some were designated archons and archisynagogues at age three.¹³ In Macedonia itself (at Beroea) an inscription ascribed to the fourth century recorded the name of "Theodosius the Hebrew," who bore the curious title of "a presbyter to be" (*mellopresbyteros*) and who was, it seems, not quite three years old.¹⁴ Such titles denoted not an actual office but the child's elevated status (or rather that of his/her family), as well as the child's potential role in the community. One visual expression of the youngster's status would have been reflected in the order of sitting in the synagogue. Polycharmos' male heirs and their youthful Italian counterparts probably occupied from infancy prominent seats next to their father, close to the Torah ark.

¹¹ A. Mendelson, *Philo's Jewish Identity* (Atlanta 1988), passim. On his ideals of broadly based education see Mendelson, *Secular Education in Philo* (Cincinnati 1982). It is impossible to gauge to what extent such ideas permeated other Diaspora communities or even the entire Jewish Alexandrian.

¹² Philo, *Hypothetica* 7.12–14. Cf. Josephus, *Against Apion* 2.178.

¹³ M. H. Williams, M. H., *The Jews among the Greeks and the Romans. A Diaspora Sourcebook* (Baltimore 1998), VI.26–30 (Italy), with a majority (four out of five) from Rome, all roughly dating to the third to fourth centuries.

¹⁴ IJO I, Mac. 10 (Inscriptiones Judaicae Orientis. Band I: Eastern Europe). A. Panayotov, "Jewish Communal Offices in Late Roman and Byzantine Law and Jewish Inscriptions from the Balkans," in *Jews in Early Christian Law*, eds. J. Tolan et al. (Turnhout 2013), 169–70.

Jewish children in Macedonia assumed, like their elders, a triple identity, Roman, Jewish and Macedonian. They were citizens of empire, city and their own provincial community, as though living in a charted land with endless configurations that enabled one to slide imperceptibly from one discourse to another. It was a symbiosis that prevailed throughout the Roman Mediterranean. But the Jews of the Diaspora also instilled in the young an additional line of parentage by positing a link with the Jewish homeland. Polycharmos challenged anyone who would dare to defy his wishes by imposing a substantial monetary penalty to be paid to the Patriarch in Palestine.¹⁵ The long shadow of that venerable figure acted as a guarantor of the local nabob's plans and privileges. Whether the Patriarch himself was informed of his role as a punitive prop remains unclear.

The inscribed words in Stobi's earliest synagogue recorded an identifiable procedure that projected close association of paternal pedigree, sanctified places and the biblical homeland.¹⁶ Ties were forged directly through Polycharmos' individual vow, the fountainhead of the dedication, and implicitly through the Bible, which provided the foundation of a universal Jewish identity. We have no idea in what language Polycharmos and his children recited the biblical text. Greek seems the likeliest option as the language of home and synagogue. In synagogal learning halls, biblically based lessons, translations and liturgy transformed biblical myths into contemporary contexts.¹⁷ Children, too, were encouraged to read the Torah in synagogues and even to engage in translation.¹⁸ Inducement was offered in the shape of a promise to inherit not only a domestic synagogue but also a place as "sons in the world to come" (*ben/lei ha-olam ha-ba*).¹⁹ It would have been a feat well within the capacity of children to recite alphabetical Psalms, like Psalm 119 or 145, since learning was based primarily on memorization.

Perhaps Polycharmos further embellished his synagogue with mosaics or wall paintings. His concern to commemorate his own generosity in multiple media hints at a decorative scheme consisting of symbols,

¹⁵ The identity of the dignitary here designated as "a patriarch" has been contested – was he a local dignitary bearing this title or the Palestinian *nasi*? M. Jacobs, *Die Institution des jüdischen Patriarchen* (Tübingen 1995), 244–6.

¹⁶ Cf. the numerous synagogue donations recorded in the Jewish communities of Roman Syria, L. Roth-Gerson, *The Jews of Syria as Reflected in the Greek Inscriptions* (Jerusalem 2001) (Heb).

¹⁷ Although the nature and extent of school literacy has yet to be determined. Here the question of languages is also crucial – were children taught only to read or also to write and if so, in what language(s)? See Hezser, *Literacy*, 72–3; Fraade, "Language Mix."

¹⁸ M Meg 4.6. ¹⁹ BT Ber 4b alluding to Ps. 145.

geometrical patterns and texts, of which none, besides fragmentary plaster inscriptions, had survived. Polycharmos' recording industry is remarkable – both his vow and its fulfillment were recorded several times on stone, dipinti and graffiti on wall stucco. Fragments of painted plaster bear a repeated legend reading: "Polycharmos, the father, [discharged] his vow," as though by sheer repetition the dedicated synagogue would continue to function unchanged and unchallenged long after Polycharmos and his children were gone.²⁰ Nor was he alone in proclaiming close contacts with God via vows. A small copper plaque which had been attached to a dedicated object identified its dedicator as Posidonia.²¹ Her words were addressed directly to the Holy God, reassuring both divinity and viewers that she had indeed fulfilled her vow. It may be idle, but intriguing, to speculate about Posidonia's age. Was she a child? Macedonia's Jewish children on whose behalf donors like Polycharmos posted their ownership status over sanctified spaces bore neither face nor name in the surviving records of Stobi's Jewish community. Be that as it may, Stobi's list of donors to the synagogue also included Alexander, who was styled as an overseer (*phrontistes*) of the synagogue and who was in charge of, and perhaps even financed, the remodeled corridor of the synagogue. These were banal words that testified to shared Greco-Roman values rather than to an exceptional Jewish communal spirit. Neither language nor the manner of commemoration at Stobi were exceptional either in Jewish or in non-Jewish contexts.²²

I would like to speculate further. In its second incarnation in the fourth century, Polycharmos' synagogue was enlarged and embellished with mosaics that bore pictorial imagery and texts. It was also connected with a residence dubbed "House of Psalms," where a lovely and well-executed mosaic provided a lively illustration of Psalm 42. Whether this venture into pictorial paideia belonged to the phase of Polycharmos' venture or later cannot be determined. Beyond doubt, however, were the efforts made to forge a pictorial language in order to convey the centrality of this beautiful biblical text to adults and to children.

²⁰ J. Wiseman, "Jews at Stobi," in *Kačić. Zbornik u čast Emilija Marina* (Split 2009–2011), 325–50.

²¹ *IJO* I, Mac 5; Wiseman, "Jews," 334–5, for a date before the fourth-century synagogue which replaced Polycharmos'.

²² J. Price and H. Misgav, "Jewish Inscriptions and their Use," in *The Literature of the Sages* II, ed. S. Safrai et al. (Assen 2006), 461–83.

The Dura-Europos Synagogue: The Children Register and Visual Literacy²³

Biblical tales and regulations, products of a distant past, posed an intrinsic distance between lines and listeners. In schools, children were taught the Torah through memorization, a useful method albeit one that curbed imagination. In houses and above all in the rarified spaces of synagogues, pedagogy was crafted to include not only texts but also visuals. In late antiquity, biblical scenes came to life on walls and floors of synagogues, complete with selected biblical protagonists and stories. We do not know when Psalm 42 was translated into visuals at Stobi. The earliest well-dated pedagogical “revolution” of this sort occurred on the banks of the Euphrates river, far from the Mediterranean and Macedonia.

At the edge of the Roman world in the frontier zone between Rome and Persia, along the caravan route that linked Mesopotamia with the Mediterranean via Palmyra, Jews gathered in Dura-Europos in a synagogue that, like the Stobaean one, had once been a private residence. It was likewise located in a quiet neighborhood that bordered on the city’s massive rampart. Its remoteness, coupled with the sands of the desert, ensured survival. Once abandoned, Dura was never reoccupied, its synagogue secure under layers of dust.

In this bustling garrison town acts of Jewish euergetism were recorded in Greek, Aramaic and Persian on decorated ceiling tiles. In 245 CE the communal prayer hall was remodeled. The result was a space with walls that enveloped believers with a blanket of a stunning array of paintings inspired by biblical stories.²⁴ In this last phase, a mere decade before Dura fell to the Sassanids and was abandoned for good (256 CE), the images that crowded the synagogue publicly defied the Second Commandment. The scenes selected for design and display were based not only on Pentateuchal narratives but also on stories derived from other biblical books including Samuel, Kings, Ezekiel and Esther, as well as from interpretative traditions that reached Dura from both Persia and Palestine.

The individuals who orchestrated donations and paid for the representations projected a common area where the public, children and adults, could experience the interplay of verbal and pictorial techniques of biblical

²³ See also Chapter 7 for a different approach.

²⁴ T. Daryaei, “To Learn and to Remember from Others; Persians Visiting the Dura Europos Synagogue,” *Scripta Judaica Cracoviensia* 5 (2010), 29–37 on appreciative visitors who especially liked the Esther panel, which they graced with their own graffiti. S. Fine, “Jewish Identity at the Limus. The Earliest Reception of the Dura Europos Synagogue Paintings,” in *Cultural Identity and the Peoples of the Ancient Mediterranean*, ed. E. S. Gruen (Los Angeles 2011), 289–306.

interpretation. Drawn in vivid colors, the paintings postulated precise points of common origins. They converted biblical words into images that provided a perfect accompaniment of synagogal sounds and smells.

To judge by the endless, and thus far fruitless, modern search for a single key to unlock the alleged homology of Dura's biblical cycle, it may be useful to begin with a simple acknowledgment of their originality. My own analysis is based on a seeming paradox: while recognizing the biblical text as a crucial witness to a contemporary reality, the painted scenes simultaneously aspired to instill distance between the Bible and its mythic settings. Yet, with the addition of visual stimuli to the repertory of learning devices, synagogue painting had the power to kindle a reserve of imagination, a store that children could dip into freely.²⁵

At the center of the western wall of the Durene synagogue, the Torah niche facing Jerusalem was embellished with a schematic drawing of three elements: a sanctuary, a symbol and a story (Figure 6.4). Instantly recognizable were the Temple (of Solomon), the Temple's Menorah (candelabra) and the binding of Isaac (*Akedah*, Gen. 22). No effort was made at correct scaling or accuracy. It would have been a futile exercise of artistic geometry. By the mid-third century CE, the Temple had been gone for well over a century, its huge golden Menorah disappeared into the coffers of the Roman treasury, no doubt melted, and the *Akedah* itself belonged to the fogs of the Patriarchal past.²⁶ Nevertheless, etched in collective Jewish memory, this combination of biblical references also highlighted the staying power of the biblically centered discourse. These were texts and pictorial representations that kept the community separate from the temporal frame of their city.

Simplicity and symbolism are striking. On Dura's Torah ark, side by side with divinely sanctioned structure and holy implements, the boy Isaac remained an indistinct bundle atop a large altar, a static model like an abstract idealization (Figure 6.5).²⁷ Fresh from classes replete with

²⁵ To the best of my knowledge there are no references in the vast literature on synagogues and on synagogal pictorial decoration to the role of biblical images in shaping Jewish education in late antiquity. The mosaics, for example, are usually presented in purely decorative or comparative terms, as encoders of complex messages of salvation. See now, however, R. Talgam, *Mosaics of Faith*, passim, on visuality and *paideia*.

²⁶ On texts inspiring hopes in the survival of Temple implements in hiding, S. Weitzman, *Surviving Sacrilege: Cultural Persistence in Jewish Antiquity* (Cambridge MA 2005), 96–117.

²⁷ E. Kessler, "Art Leading the Story: The *Aqedah* in Early Synagogue Art," in *From Dura to Sepphoris*, ed. L. I. Levine and Z. Weiss (JRA Supp. 40) (Portsmouth 2000), 77, identifies the two small figures as Isaac, rather than as Isaac and Sarah. The Torah niche and the colorful paintings on the wall are not contemporaneous, the former apparently preceding the latter. On the dates see C. H. Kraeling, *The Synagogue. The Excavations at Dura-Europos. Final Report VIII*. (Princeton 1956), 39ff., and



Figure 6.4. Dura Europos synagogue. Torah niche at the center of the Western Wall.

patriarchal narratives, perhaps administered in the synagogal complex itself, Dura's Jewish children gazing at the Akedah the Torah ark became cognizant of the heroic legends in which founders of race and religion seem at first destined to die young. School lessons would have taught them to identify the locale of the sacrifice (Moriah, Gen 22:2) with that of Mount Moriah, where the Solomonic Temple was erected.²⁸ Read as a story of near death and rebirth, the drawings became an account of a double passage or transition: of protagonists into heroes and of monuments into memorials. They also reinforced the bond forged in countless biblical tales between God on the one hand, and Land (of Israel) and

Chapter 7. See also H. Sivan, *Biblical Images: The Paintings of the Dura Europos Synagogue*. A Guidebook to an exhibit (New Haven 1978).

²⁸ R. W. L. Moberly, "The Earliest Commentary on the Akedah," *VT* 38 (1988), 303–23.

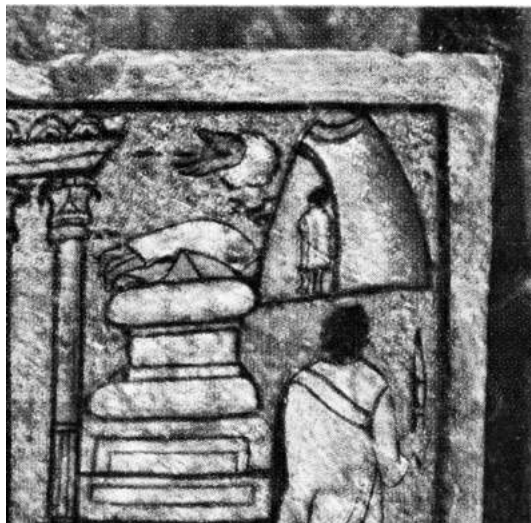


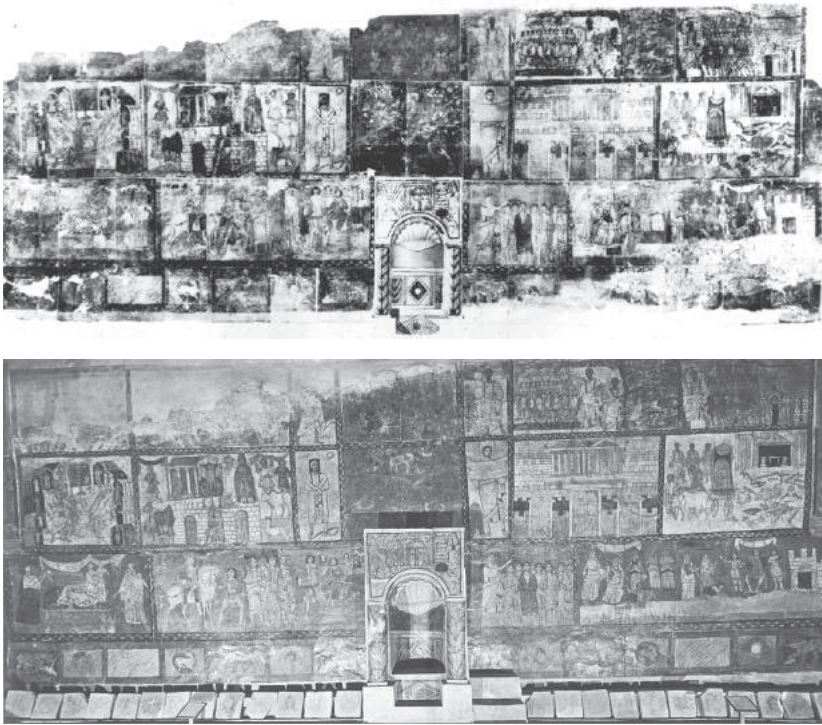
Figure 6.5. Dura Europos synagogue. Torah Niche detail: the Akedah.

people (Jews) on the other, a covenant that even a Diaspora existence could not sever.

A single register, the lowest one of the western wall of synagogue, was devoted solely to biblical tales featuring children-protagonists (Figure 6.6).²⁹ Whoever selected its scenes clearly had the younger (and shorter) worshippers in mind. Well within the vision range of children four foundational moments are depicted: the salvaging of baby Moses in the floating casket on the Nile by an all-women team (Ex. 2); the resuscitation of a widow's young son by Elijah the prophet (1 Kgs 17; Elijah is labeled); the anointing of the adolescent David by the prophet Samuel (1 Sam 16; the Aramaic label reads "Shmuel anointing David"); and the crowning of the youthful Esther as queen of Persia, perhaps at the moment of her triumph over Haman, the Jews' mortal enemy.

These were instructive stories. They delineated a specifically Jewish manner of acculturation into the faith through careful selection of visuals that emphasized the contribution of the young to the survival of creed and community. Within the specific context of Dura, a town uneasily

²⁹ Not a single one of the countless modern analyses of the synagogue and its paintings draws attention to this fact.



Figures 6.6a and b. Dura Europos synagogue. The western wall showing the “children register.”

poised between defensive Rome and the rising aggression of Sassanid Persia in the early third century, the story of Esther at the court of a Persian monarch would have carried strikingly contemporary connotations (Figure 6.7). It was a tale of a girl’s ingenuity, courage and determination at a dangerous time for her people who were threatened by the imminent prospect of collective annihilation. On the panel itself Esther is seated behind the monarch (Ahasuerus), to whose harem she had been joined by her scheming uncle (Mordechai). Esther and her husband are seated while her uncle dominates the scene astride a large white horse. This was clearly the moment of triumph and the credit in the picture was invested entirely in a single Jewish male (Mordechai) whom the biblical narrative in fact removes from the scenes of confrontation between the youthful Esther, her husband and his vicious minister. On the panel

itself, Esther, Mordechai and Ahasuerus are labeled.³⁰ It is a large panel, its size and location on the most important wall of the synagogue reflecting its proximity to contemporary concerns over salvation.³¹ The condensed painted narrative of the Scroll of Esther at Dura, embedded within the “children register,” rendered children a pivotal part of the machinery of Israel’s longevity.

Scenes of this sort lent themselves to multiple interplays between sacred text and congregation, between the Land of Israel and the Jewish Diaspora, and between children and adults. They also set apart the Jewish community of Dura from its pagan, Mithraic and Christian neighbors who likewise garnished the walls of their sanctuaries with paintings. With the exception of the David scene, all the narratives involving children are set within a Diaspora context or in a borderland. The agents executing or prompting the divine will are either female or gentile.

How did these visuals socialize the young at Dura? Their biblical ancestors included a boy like Isaac who was willing to die in obedience to paternal precepts, and a girl, Esther, who obediently submitted to avuncular command to violate the Bible’s own ban on marriage outside the faith. Were these the models that the Durene Jewish children were expected to follow in order to demonstrate their faith in Yahweh? More likely, idolatry, rather than imminent sacrifice or annihilation, posed a constant threat in multi-ethnic and multi-religious communities like Dura. A Talmudic tale featuring a fatal confrontation between a child and the prophet Elijah, who is prominent in the Durene synagogue as both a savior of children and as an avenger of Yahweh, hints at the manner in which textual and visual stimuli operated in tandem to breed Jewishness:

³⁰ On Esther see Sivan (Zlotnick), *Dinah’s Daughters*, 76–92. Dura’s Esther is thus far unique. She appears nowhere else in the context of Jewish illustrative art and the scroll itself barely entered the biblical canon (BT Meg. 7a; BT Sanhedrin 100a). While the scroll is notably absent from the substantial library of biblical copies at Qumran, the story of Esther and its celebrative commemoration on Purim proved highly popular throughout the Jewish communities both in Palestine and the Diaspora, where public processions numbered adults and children; see Sivan, *Palestine*.

³¹ Throughout the biblical scroll Esther is designated as *naara*, an age that rabbinic sources interpret as that between twelve years and one day and twelve years and six months; see Bamberger, “*Qetana, Na’arah, Bogereth*,” *HUCA* 32 (1961), 281–94. See also C. S. Leeb, *Away from the Father’s House. The Social Location of Na’ar, and Na’arah in Ancient Israel* (Sheffield 2000), who interprets the term as an orphan or a virtual orphan, unprotected and vulnerable.



Figure 6.7. Dura Europos synagogue. The Esther-Mordechai panel.

It was related that Elijah the righteous, searching for those languishing of hunger on the streets of Jerusalem in time of famine, found a young child (*tinok*) whose stomach was swollen lying upon a dung heap. He questioned the child about the family to which he belonged. The boy answered: To such and such. Are any of your family left? asked Elijah. None except myself, was the answer. Said Elijah: If I teach you something by which you may live, will you learn? Yes. Then recite every day *Hear O Israel, the Lord is our God, the Lord is One* (Deut 6:4). But the child retorted: *Silence. One ought not to mention the Name* (Amos 6:10). Apparently his mother and his father had not taught him [the Shema prayer]. The child then drew out of his bosom an idol which he proceeded to kiss and embrace till his stomach burst. The idol fell to the ground, with the child on it, thus fulfilling the verse: *And I shall cast your carcasses upon the carcasses of your idols.* (Lev 26:30)³²

It is precisely within such a multi-faceted context where stories of Elijah's feats came to life on the synagogue walls, that the *Akedah*, a would-be infanticide (Gen 22), fitted into the eclectic collection of the children register at Dura.³³ As a narrative with endless exegetical strands it suited multiple stages of children's acculturation. In the liturgy of the synagogue, the story became a component of the liturgy of Rosh Hashanah (Jewish New Year), in spite of the fact that Gen 22

³² BT San 63b–64a.

³³ Elijah who, in his biblical incarnation, had nothing to do with Passover, came to occupy a place of honor in the festive ritual.

gives no hint of a date.³⁴ Within school curricula, the Akedah narrative, with its infant protagonist as an emblem of purity, provided a partial, if not wholly satisfactory, answer to an odd curricular choice.³⁵ The rabbis deemed Leviticus, albeit a text whose appeal to the very young may be doubted, to be a perfect introduction to the study of the Pentateuch. To justify the selection of this least eventful biblical component, some rabbis claimed that Leviticus' overarching concern for purity (of sacrifices) could be matched only by comparison with the innocence of the (human) young.³⁶ It was but a short rabbinic step from the requirement of Lev. 1 regarding the sacrifice of animals as atonement (the victim must be male and without blemish) to the *Akedah* and Isaac as the ideal "sacrifice." Through school curricula the one-off act of Gen. 22 had been institutionalized.

The Bible on the Floor: Galilean Synagogues and a New Pedagogy

In a predominantly non-Jewish environment like Dura, visual stimuli like the synagogue's pictorial cycles embedded the biblical text within the central communal institution. Perhaps the synagogue, when not attended by adults, served as a schoolroom. Text, traditions and illustrations projected a *sui generis* Jewish language of birth and childhood in a town where other communities engaged in discourses that carved to set them apart. How such distinctions played within the Palestinian homeland (Eretz Israel) in late antiquity is a question that may be addressed through a series of floor mosaics in various Galilean synagogues. The date and decoration of these synagogues have been subjects of lengthy scholarly debates.³⁷ Two characteristics are worth noting. First, the mosaics were all embedded in floors of synagogues, so far as one can tell. Whether the walls were covered with plaster paintings

³⁴ J. Gutmann, "The Sacrifice of Isaac. Variations on a Theme in Early Jewish and Christian Art," in *Thiasos ton mouson. Festschrift für Josef Fink* (Cologne 1984), 115 ff.; Idem, "Rosh Hashanah in Art," in *Rosh Hashana Anthology* (Philadelphia 1970), 165–8.

³⁵ Chapter 2. We do not know whether rabbinic curricular ideals spread to communities like Dura. It is therefore unclear whether Leviticus was used as the primer for Diaspora children as well as for those living in Palestine.

³⁶ LevR 7.3: *Let the pure ones come and occupy themselves with the pure ones*. This is the conclusion inserted into a brief discussion of the appropriate way to launch the Torah in the schools, whether via Genesis or via Leviticus.

³⁷ Sivan, *Palestine*.

cannot be determined. Some likely were. Second, the synagogues' decorative schemes juxtaposed non-Jewish (Helios, zodiac) with Jewish elements (biblical figures, stories and rabbinic texts). None of the biblical scenes appears, therefore, in isolation.

A recent discovery of a synagogue in Galilean Khirbet Wadi Hamam, a village only four miles north-west of Tiberias, unearthed three fragmentary mosaic panels, all bearing biblical scenes.³⁸ If the dating proposed (c. 300 CE) is correct, Khirbet Hamam, whose ancient name remains unknown, constitutes a vital link between two types of synagogue decoration, early Roman (predominantly nonfigural or textual), and late Roman (dominated by pictorials). Put otherwise, the Hamam series of biblically inspired mosaic imagery may have pioneered a new trend of Palestinian synagogal decoration. No less significant is the fact that the synagogue postdated that of Dura by only half a century, suggesting that the Durene paintings may not have been a one-of-a-kind phenomenon with neither antecedents nor continuation.³⁹ Does the new visual vogue in the Galilee also reflected new pedagogical approaches to the study of Scripture?

The synagogue's aisles at Hamam were covered with mosaics. Three surviving fragments, executed by different hands, depict a construction scene, a battle scene and a marine scene. One panel (Figure 6.8) contains schematically drawn groups of workers wielding various building instruments, all apparently engaged in assembling a hexagonal structure.⁴⁰ The most likely interpretation is that the panel represents the narrative in Exodus 1, namely the labors of the Israelites in Egypt.⁴¹ The subject of the second surviving floor panel, executed by a more

³⁸ U. Leibner, "Excavations at Khirbet Wadi Hamam (Lower Galilee). The Synagogue and the Settlement," *JRA* 23 (2010), 220–37; Idem and S. Miller, "A Figural Mosaic in the Synagogue at Khirbet Wadi Hamam," *JRA* 23 (2010), 238–64. I am very grateful to Professor Leibner for granting permission to reproduce these mosaics. See also U. Leibner and B. Arubas, "Summary of the Excavation Project at Khirbet Wadi Hamam; a Roman Period Village in the Galilee," *Qadmoniot* 149 (2015), 28–39 (Heb).

³⁹ A direct link between Dura and Hamam has yet to be established. I believe it eminently likely.

⁴⁰ Leibner and Miller, "A Figural Mosaic," 247, prefer to interpret the images as Noah's ark (Gen. 6–8), the tower of Babel (Gen 11), the Israelites in Egypt (Ex. 1), the Tabernacle (Ex. 25–6) and Solomon Temple (I Kgs 5–6). The Temple, although a popular theme on Jewish coins, art glass and mosaics in antiquity, is never shown as a tower, not even as *pars pro toto*.

⁴¹ Excluded by the excavators (Leibner and Millar, *ibid.*, 247). The closest parallels are found in the Ashburnham Pentateuch, an illuminated manuscript dating to the fifth–seventh centuries where the "pyramids" are not the conventionally pointed monuments but towers with four, six or eight sides, B. Narkiss, *El Pentateuco Ashburnham* (Valencia 2007), for reproductions and iconography; Sivan, *Galla Placidia* (2011), for analysis.

adept hand, can be easily identified as the passage of the Red Sea (Ex. 14–15) (Figure 6.9). Visible are horses and chariots, both costly items of equipment clearly belonging to the chasing Egyptian army, shown on the mosaic in the process of drowning and dismembered. The Exodus sequence in Hamam, from slavery to liberty, reflects the perennial popularity of the narrative annually celebrated during Passover.⁴² Hamam's Red Sea imagery, with its emphasis on the artful watery blotting of the Egyptian chariots, echoes a panoply of Exodus imagery found in Jewish and Christian art of late antiquity that likewise highlights the Egyptian debacle.⁴³ In fact, within a mere stone's throw from Hamam itself, a recently discovered synagogue mosaic at Huqoq, gleefully dwells on the drowning Egyptian army.⁴⁴ Children gazing at these familiar scenes could gleefully dwell on the prowess of their ancestors, aided by God to vanquish a mighty enemy, a situation repeated at least twice in the not so distant Palestinian past.⁴⁵ Perhaps the dismembered chariots were meant to serve as a warning to children fond of races. Ultimately, artistic versions of Exodus narratives, whether at Hamam, Huqoq or Dura, highlighted the hazards and flexibility of textual transmission. The illuminated story could have come to an artistic end at any moment, depending on the will and whim of donors and artists.

The third mosaic panel at Hamam's synagogue depicts a giant clad in what appears to be a military garb, his oversized hand crushing the heads of three smallish armed figures (Figure 6.10). Between the giant's feet lie two more figures, dead or dying, while an armed equestrian gallops away from the deadly scene. Of the proposed identifications (David-Goliath, 1 Sam. 17; Samson smiting Philistines; Og, the giant king of Bashan), the first is more likely. The moment depicted was not that of the memorable duel between the youthful David and the giant

⁴² Cf. now a similar panel depicting likewise the drowning Egyptian army in a synagogue from nearby Huqoq.

⁴³ Cf. the Metropolitan Museum fragmentary Exodus scenes of a Coptic tapestry (second to fourth century), www.metmuseum.org/art/collection/search/637714. I am grateful to Ross Shepherd Kraemer for drawing my attention to the exhibit. It is impossible, however, to conclude whether the original included a drowning scene. The Red Sea crossing on a sarcophagus from Split provides close parallels. www.christianiconography.info/Edited%20in%202013/Croatia%202012/crossgRedSeaSarc, for images.

⁴⁴ Huqoq Excavation Project (<http://huqoqexcavationproject.org>) includes excellent entries and images. See also J. Magness et al., "Huqoq (Lower Galilee) and its Synagogue Mosaics. Preliminary Report on the Excavations of 2011–2013," *JRA* 27 (2014), 327–55.

⁴⁵ Chapter 8, on the Bar Kokhba-Hadrian war.

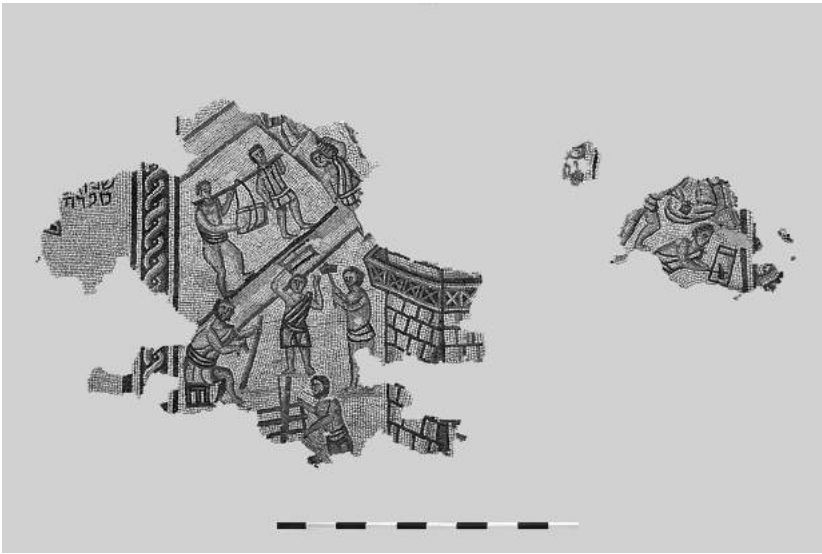


Figure 6.8. Khirbet Wadi Hamam, synagogue mosaic. Construction scene.

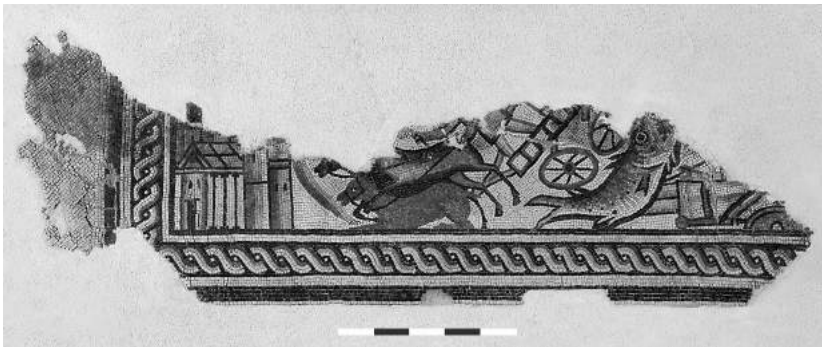


Figure 6.9. Khirbet Wadi Hamam, synagogue mosaic. Crossing of the Red Sea.

Philistine. Rather, the mosaic commemorated a battlefield dominated by Goliath, when not a single Israelite, not even David's three older brothers (1Sam. 17:13), dared to rise to the challenge. This was a charged moment radiating suspense, a fitting context for the emergence of the young David. We may reflect on the choice of biblical scenes to decorate synagogal spaces. Behind each cycle it is possible to



Figure 6.10. Khirbet Wadi Hamam, synagogue mosaic. Goliath in action.

detect the biblical narrative, embellished and interpreted to suit local needs and tastes.

Inserted into these visual narratives were brief texts. The Goliath scene was invaded by an Aramaic inscription commemorating a donation made by “sons of Shimon.” The construction scene bore an Aramaic inscription that referred to Shmuel the scribe (*sofer*), a title often associated with teaching children. A teacher of script and Scripture could have recruited the visual stimuli provided by the pictures on the floors, where height proved no obstacle to vision. Perhaps Shmuel was also the donor of the mosaic that bears his name. He may have even selected its theme. Because the Torah provided a basic text but not a fixed curriculum, teachers and scribes could be selective, teaching only chosen verses and passages.⁴⁶ The use of visuals would have been instrumental in promoting literacy among children and among adults. In Roman Palestine, in spite of modern

⁴⁶ Rabbinic recommendations regarding appropriate readings and translations reflect a selective approach. Among biblical verses that the rabbis recommended to be read, presumably in Hebrew, but not to be translated were Gen. 35:22 (Reuven sleeping with his father’s concubine) and the quarrel of Moses and Aaron over the golden calf (Ex 32:21–35). Among those that the rabbis altogether banned were David’s appropriation of Batsheba and the rape of Tamar, David’s daughter, by her half-brother Amnon (2 Sam. 11, 13), M Meg 4:10.

scholarly claims of the universality of elementary education, there were communities that barely boasted a single man able to conduct basic, verbal, synagogal services.⁴⁷ Perhaps, then, the sudden appearance of biblical images on synagogue floors (and walls) in late antiquity heralded an innovation designed to “democratize” elementary education.

Teaching took place at home, in synagogues and in adjacent study houses.⁴⁸ In theory, at least, schooling constituted the chief parental obligation.⁴⁹ Fathers were held responsible for ensuring that their boys learnt Torah. Mothers, too, could earn praise “by sending their sons to learn [Torah] in the synagogues, and their husbands to study in the schools of the rabbis.”⁵⁰ The presence and participation of children in synagogue readings (the latter a duty from the age of thirteen and one day) was reflected in the careful construction of synagogal liturgical poetry (*piyyut*). Practitioners of *piyyutim* “graded” their poems in a manner that proceeded from exceptionally complex and elusive lines to simple references to the biblical text, the latter to be grasped even by children and by men with only rudimentary knowledge of Scripture.⁵¹

Like verbal exegesis, pictures introduced a reworking of the biblical stories, invoking a space for imagining these events. At Dura and at Hamam painted panels reflected the centrality of stories, like the Akedah and the Exodus, that had become foundational myths through schooling lessons and annual reenactment.⁵² Accessible to all children and their parents, these pictures entrenched the stories in the present, forging a distinct identity around the interpretation of origins.⁵³ Although the

⁴⁷ T Meg 3:12; Hezser, *Literacy*, 40–7 on the reality behind the statement in BT BB 21a on the establishment of schools throughout the land. Chapters 2, 3 and 4. T Pes 10:8 on spread of literacy with M. Bar Ilan, “Illiteracy in the Land of Israel in the First Centuries CE,” in *Essays in the Social Scientific Study of Judaism and Jewish Society II*, ed. S. Fishbane et al. (New York 1992), 46–61.

⁴⁸ PT Horayot 2:5, 46d; PT Moed Qatan 3:1, 81d; ARN A 15; PRK 11:16 and 15:5; PT Megilla 1:11, 71d, with Hezser, *Literacy*, 2001: 51–2, and Chapters 2 and 3.

⁴⁹ Chapter 3.

⁵⁰ BT Berachot. 17a. And they could teach their daughters trade secrets of professional public mourning, M MQ 3:9, based on Jer 9:19, Chapter 4.

⁵¹ S. Elizur, “The Congregation in the Synagogue and the Ancient Qedushta,” in *Knesset Ezra. Literature and Life in the Synagogue*, ed. Elizur et al. (Jerusalem 1994), 171–90 (Heb).

⁵² Note, however, the inclusion of apocryphal material among the mosaics of the Huqoq synagogue, if indeed referring to the feats of the Maccabees, “Huqoq Excavation Project” for images and bibliography.

⁵³ On the attendance and participation of girls/women in synagogal liturgy and ceremonies, W. Horbury, “Women in the Synagogue,” *CHJ* III, (1999), 358–410; and L. I. Levine, *The Ancient Synagogue. First Thousand Years* (New Haven 2000), 499–518, without age distinctions. The apparent marginality of females and rabbinic rules is contrasted by the epigraphic evidence attesting women’s active involvement in the synagogue, B. J. Broton, *Women Leaders in the Ancient Synagogue* (Chico 1982), Broton, “Female Leadership in the Ancient Synagogue,” in *From Dura to*

few modern presentations of Jewish education in antiquity conspicuously lack references to visuals, the very location of biblical paintings in synagogues, whether along a lower register on walls or on floors, was no doubt calculated to augment a learnt text and to put verbal and visual flesh on its multiple meanings. Side by side with mnemonics, a basic strategy of learning, pictures dramatized and transmitted select aspects of the biblical narratives.⁵⁴ Against the background of differing translations and interpretations known to have been in use in late ancient Palestine and the Jewish Diaspora, images, too, dictated a reception of the text within a specific communal context.

The local character of these visuals was evident in another figure of David. At Meroth's synagogue (Upper Galilee), David was depicted as a young man seated on a shield and surrounded by weapons. This was a militant youth, basking in his triumph against all odds and displaying the loot taken from the body of Goliath.⁵⁵ A donor's inscription complemented the image, as though to emphasize the intimate connection between this David and the donation that paid for it.⁵⁶ The text also reflected the individual's commitment to the congregation and to its needs. The selection of an armed David was hardly accidental. Children at this relatively isolated mountainous location would have gorged with gusto on the story of the duel between an adolescent Israelite and a grown-up Philistine. They lived in a community that seemed rarely at peace with itself and with others. A bronze cameo recovered from the site of Meroth and inscribed in Hebrew and Aramaic (dated to the early

Sepphoris (Portsmouth RI 2000), 215–23, and Chapter II. The basic list of female duties vis-à-vis husbands (M Ket 5.5) makes no reference to intellectual attainments or literacy requirements, Chapter 4.

⁵⁴ Nor were images solely used as props for school education of the young: in the complicated process of calendrical determinations, especially the day of the new moon, one rabbi had "images of white shapes" [painted/engraved] on a tablet and on the wall in his attic to enable inarticulate witnesses to convey precisely the shape of the moon that they had observed, M MQ 2:8. On the oft-quoted rabbinic dicta regarding art in the synagogue (PT Avoda Zara 3.3 and Targum Pseudo Jonathan to Lev. 26:11), E. Urbach, "Avodah Zara. Archaeological and Historical Realities in the Second and Third Centuries," *Eretz Israel* 5 (1958), 189–205 (Heb).

⁵⁵ Z. Ilan and I. Damati, "The Synagogue and Beth Midrash at Ancient Meroth," *Qadmoniot* 79–80 (1987), 87–96 (Heb); Z. Ilan, "The Synagogue and Study-Hall at Meroth," in *Synagogues in Antiquity*, ed. A. Kasher et al. (Jerusalem 1987), 231–66 (Heb.); Ilan, "The Synagogue and Study House at Meroth," in *Ancient Synagogues*, ed. D. Urman and P. V. M. Flesher (Leiden 1995), I, 256–88. The David figure is dated to the late fifth century. The synagogue complex underwent several stages of remodeling between the fourth and the seventh centuries CE.

⁵⁶ On the terminology of such inscriptions, see Z. Safrai, "Financing Synagogue Construction in the Period of the Mishnah and the Talmud," in *Synagogues in Antiquity*, ed. A. Kasher et al. (Jerusalem 1987), 77–95, esp. 93–5 for a table summarizing the location, position of donor, term used to designate donation and where the inscriptions were placed.

seventh century) was purchased and/or commissioned by one Yossi son of Zenobia, who craved divine assistance to bend the will of the community to his advantage.⁵⁷ Yossi did not invoke the biblical David but the incantation addressed Yahweh as a militant divinity ready to smite the villagers through a single blow.

The association between education and the visual arts pitched religious practices with mythic moments. Parentage and founding events transformed children into Jews. A growing emphasis on the acquisition of biblical literacy in late antiquity led to the remodeling of the Meroth synagogue to include two study spaces, a room to teach infants and Beth Midrash (house of study) to teach adolescents, the latter decorated with stone relief and mosaics.⁵⁸ The arrangement confirms rabbinic instructions regarding the sequence of learning, from Torah to Talmud, and from participatory gestures to full verbal participation in synagogue services. Pupils were greeted at the entry to Beth Ha-Midrash by an engraved phrase from Isaiah's vision of universal harmony (65:25: *fox and lamb will share a pasture*), complete with appropriate engravings of the relevant animals.⁵⁹ The irenic messages that graced the study area posed a curious contrast to the combative tone of both cameo and mosaic imagery at Meroth.

Images brought back the human order of society, effecting a beneficial exchange and reciprocity between texts and learners. When the Hebrew text turned epic, remote from the daily language of pupils, the pictures evoked a sense of an enveloping divine grace. This is why the solemnity of the biblical *Akedah* (Gen. 22) proved so spell-binding.⁶⁰ From Dura to Galilean Sepphoris and Beth Alpha, the Binding of Isaac was featured in a variety of configurations that reflected the pliability of the Genesis story in the hands of teachers, translators, interpreters and artists. In none did the *Akedah* feature by itself. In each case it was embedded within either a panoply of biblical episodes (Dura-Europos, this chapter) or within mosaics containing a zodiac and embellished with symbols

⁵⁷ J. Naveh, *On Sherd and Papyrus* (Jerusalem 1992), 146–8 (Heb.).

⁵⁸ The debate over whether study spaces were accommodated in synagogues or in separate buildings is likely to be as interminable as are the discussions relating to the dating of Galilean synagogues. D. Urman, "The Synagogue and Beth Ha-Midrash-Are they One and the Same?" in *Synagogues in Antiquity*, ed. A. Kasher et al. (Jerusalem 1987), 53–75 (Heb.).

⁵⁹ Deut. 28:6; Isa. 65:25; Ilan, "Synagogue and Study House," on the rarity of scriptural citations in synagogues.

⁶⁰ E. Kessler, *Bound by the Bible. Jews, Christians and the Sacrifice of Isaac* (Cambridge 2004), noting the rabbinic range of Isaac's age versus the uniformity of Christian representation of Isaac as a child.



Figure 6.11. Beth Alpha synagogue mosaic showing the Akedah.

associated with the Jerusalemite Temple (Beth Alpha, Sepphoris), and with texts (character names, biblical verses, recorded donations).⁶¹

On the floor mosaic of the Beth Alpha synagogue (near the River Jordan) baby Isaac (labeled) stared at viewers who would have walked right above him (Figure 6.11). He is clutched in one raised arm of his father Abraham (labeled), whose other arm is brandishing a large knife. This was

⁶¹ On the latter, see Z. Weiss and E. Netzer, *Promise and Redemption. A Synagogue Mosaic from Sepphoris* (Jerusalem 1996). On Sepphoris see also Sivan, *Palestine*, passim.

clearly the most dramatic moment in the entire sequence, exactly when tragedy was ready to strike. The episode was completed with four images: the two slave boys who accompanied father and son to the site of the projected sacrifice; the donkey who carried them; and the ram ultimately selected as a substitute. At the center of the mosaic appeared the hand of God, next to the words that saved Isaac (Gen. 22:12–13).

Beth Alpha's Akedah provides the most literal rendering of Genesis 22, a sequence that children could follow verbatim, stage by stage. Rooted in the biblical text, the mosaic's visualization of the text became a heterogeneous juxtaposition of small independent units. It was a mosaic of small reductions that did not challenge the text. And it functioned as a perfect synonym for the most basic duty of children vis-à-vis parents, namely unquestioned obedience.⁶² Besides reinforcing the biblical text, visuals like the Beth Alpha mosaic also instilled modes of desired behavior. South of Meroth, at Sepphoris in the upper Galilee, literalness came with a twist. The story of the Akedah consisted of several panels of which one, fairly intact, depicts a donkey and two men, a mountain and a tree in the background. This was an accurate reflection of Gen. 22:5, where Abraham specifically commanded the two slave-boys to stay at a distance from the chosen location of the sacrifice. On another panel in the same sequence only two pairs of sandals had survived, one clearly belonging to a child, the other to an adult, and both neatly laid side by side. The biblical narrative does not refer to a shedding of shoes. But the poignant image of the solidary sandals was designed to invoke another biblical narrative. In Ex. 3:5 the voice of the divine, emanating from a burning bush, commanded Moses to take off his shoes out of respect for the sanctity of the place. This was a scene of divine revelation, the same kind of manifestation that operated at multiple levels throughout Pentateuchal confrontations between Yahweh and chosen emissaries. In Gen. 22 the divine voice saved the life of baby Isaac and confirmed the original covenant with Abraham; in Ex. 3, it reconfirmed the covenant between God and Israel.

Webs of synagogue images inextricably mingled the mythic and the concrete. They were aggregations of biblical texts and interpretations. The images planted on the synagogues' floors project an extension of classroom methodologies of intertwining Scripture and exegesis. They cast synagogues as places where children (and adults) could embark on a visual journey into the universe of Jewish identity. These were spaces of identity-consolidation where temporal polarities were juxtaposed in

⁶² Chapters 2, 3 and 4.

complicity. To emphasize collective identity at Beth Alpha, an Aramaic inscription, fixed below the *Akedah*, specifically referred to a collective donation of all the members of this rural community.⁶³ At Sepphoris a large number of inscriptions embedded in the mosaics commemorated donations to the synagogue. A Greek one, placed right above the *Akedah*, mentioned a gift given by Boethos and his children (*teknoi*), the latter remaining unnamed. The dedication ends with the word Amen, written in Hebrew and no doubt easily recognizable by children.

Epigraphic children featured regularly in records of synagogal donations. At Sepphoris, both Aramaic and Greek inscriptions referred to children of donors, either by name (in the Aramaic inscriptions) or in generic terms (in Greek).⁶⁴ Elsewhere, blessing formulae placed at the entrance of sanctuaries often included a specific reference to the younger members of the congregation.⁶⁵ Throughout synagogues in the Land of Israel dedicatory inscriptions attested the role of individual and communal evergetism in financing the construction, embellishment and maintenance of sanctuaries.⁶⁶ The nominal participation of children in these collective enterprises, commemorated in inscriptions and in biblical scenes featuring the young, defined citizenship in terms of descent and good deeds.

Conclusion

Within the sanctified space of the synagogue, children were cast as visual archetypes of obedience to parental and divine precepts, reinforcing an orthodoxy anchored in the commonality of language and liturgy. Synagogal pictures of foundational moments featuring children reflected a dialectical relationship with an environment in which Greco-Roman educational practices aspired to groom the young from infancy. This was an alphabet that transmitted images, just as Psalms and prayers reinforced the acquisition of the Hebrew alphabet. Like visual narratives in Greek and Roman art, pictorial biblical episodes in synagogues revealed a complex set of relationships between texts and art, education and affiliation, adherence

⁶³ The Aramaic inscription was inserted below one in Greek that mentions the artists who created the mosaic, J. Naveh, *On Stone and Mosaic* (Jerusalem 1978), 72–4, no. 43 (Heb) for the Aramaic. On the Greek inscription, B. Lifshitz, *Donateurs et fondateurs* (Paris 1967), 77.

⁶⁴ Cf. the Aramaic inscription from Kafr Kanna (Naveh no. 30) that likewise refers to a man, Yoseh son of Tanhum son of Butah, in terms of three male generations, and to his sons, who are not named, who all “made the mosaic.”

⁶⁵ Jericho, Naveh, *Stone*, no. 69; cf. no. 39 from Isfiya/Husifah, which mentions likewise the “small or young” and the “big or older” members of the village.

⁶⁶ Naveh, *Stone*; Lifshitz, *Donateurs*, passim.

and identity. The emergence of publicly illuminated Bibles on walls and floors, in defiance of an exclusively textual tradition, and the fact that they appeared exclusively within the confines of synagogues, hint at a challenge to the established semantic sequence.

In order to tell the story of the Hebrew Bible a new artisanal language was generated to “speak” of birth and breeding.⁶⁷ Synagogal images became both a powerful tool of acculturation and a component of a competitive and collaborative relationship between Judaism and other Roman imperial cultures. Within the “marketplace of religions” of late antiquity, the artists who created these visual stimuli engendered spaces where pictures and the solemnity of ceremonies combined to instill in children a unique sense of identity. Sounds, images and Scripture engulfed the young within a protective envelope of family and community that came regularly together in the synagogue. Nowhere were these efforts more apparent than in the synagogue of Dura Europos, where countless biblical stories reflected and reshaped familial configurations and relations in a town where Jews formed a minority and their sanctuary one of many.

⁶⁷ A great deal of attention has been paid to the ways in which rabbinic writings project biblical references to seeing: D. Boyarin, “The Eye in the Torah: Ocular Desire in Midrashic Hermeneutic,” *Critical Inquiry* 16 (1990), 532–50; E. Wolfson, *Through a Speculum that Shines: Vision and Imagination in Medieval Jewish Mysticism* (Princeton 1994) and idem, “Iconic Visualization and the Imaginal Body of God: The Role of Intention in the Rabbinic Conception of Prayer,” *Modern Theology* 12 (1996), 135–62; M. Bregman, “Aqedah: Midrash as Visualization,” *Journal of Textual Reasoning* 2 (2003), 1–20 and E. Kessler, “A Response to Marc Bregman,” *The Journal of Textual Reasoning* 2 (2003), 21. Recently, R. Neis, *The Sense of Sight in Rabbinic Culture* (Cambridge 2013). In no case was a connection forged between verbal references and pictorial representations or both with pedagogy, nor were the circumstances and causes effecting the translation of stories from texts to images explored.

The Painted Children of the Dura Europos Synagogue

Preliminaries: Visualizing Biblical Children

Few biblical narratives provide a more poignant commentary on the phenomenon of child-mortality than the encounter between the prophet Elijah and the mother of Zarephath (1 Kgs 17). Ordered to Tyre, the prophet appeared, uninvited, at the home of a destitute widow, demanding her hospitality.¹ The woman was resistant. She had a young son who needed nourishment no less than her sudden guest. Elijah insisted. The child fell ill and died. The mother confronted Elijah and accused him of complicity in the tragedy. Carrying the child's corpse to the attic, Elijah administered a resuscitation ritual and the child was restored to life and to its mother's arms. Thus ends the dramatic prelude to Elijah's turbulent career.

Fast forward to the third century CE and to the border between Rome and Sassanid Persia. In the garrison town of Dura Europos the story of the widow and her son was transformed from words to visuals. Elijah, the widow and her child occupy a large panel along the lowest register of the western wall, the side facing Jerusalem (Figure 7.1). The prophet appears once, positioned at the center and reclining on a couch as guests would do in a well-appointed home. The widow appears twice and the child no less than three times, dead, revived and live again, safe in the maternal bosom. The hand of God is seen, reminding readers and viewers of the divine scheme behind both death and life.

* I am grateful to Wayne Meeks who decades ago introduced me to the synagogue of Dura Europos, and who kindly read a draft of this chapter. Many of the images, in color, are available via Wikimedia Commons. The best are reproduced in Kraeling's book. Those reproduced here, in b/w for budgetary reasons, do not begin to do justice to the subtlety of the imagery.

¹ C. H. Kraeling, *The Synagogue. The Excavations at Dura-Europos. Final Report VIII. Part I* (New Haven 1956) (rep. 1979), 135–6 identifies the widow on another synagogue panel where a female figure, bending low, is the sole visible component of an otherwise illegible panel. However, this may be rather the "great" woman of Shunem (2 Kgs 4:16–37).

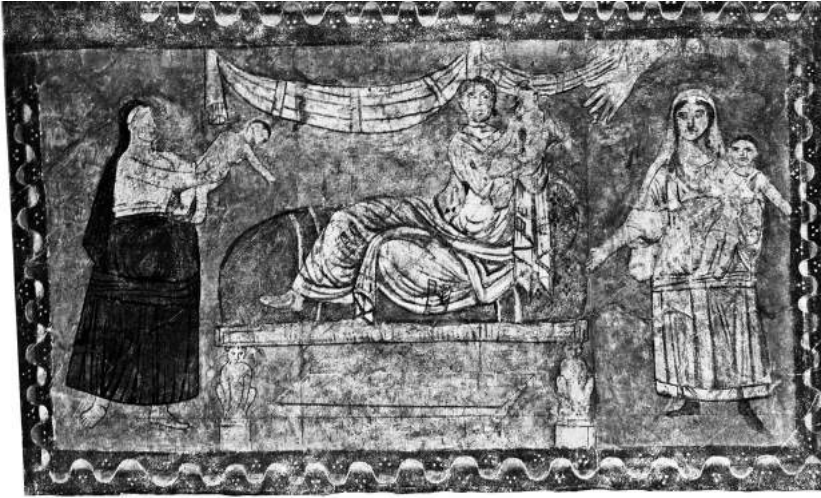


Figure 7.1. Dura Europos synagogue. Elijah saving the widow's child.

Children in danger of dying were not confined to biblical narratives but the story of the widow's child is the sole visual representation of an all too common infancy cycle.² Recent research has highlighted the exceptionally high mortality rate throughout the Mediterranean among children younger than nine years old.³ Causes varied from complications at birth, to disease, accidents, malnutrition, abandon and exposure. The "demon of infant mortality" was ubiquitous.⁴

Dura's children most likely did not prove an exception to these grim statistics. Recovery from illness or an accident, if achieved, would have

² Chapters 2 and 5.

³ K. Harper, "A Time to Die: Preliminary Notes on Seasonal Mortality in Late Antiquity," in *Children and the Family in Late Antiquity. Life, Death and Interaction*, ed. C. Laes, K. Mustakallio, V. Vuolanto (Leuven 2015), 15–33, for summary of recent research on age and on seasonal susceptibility to dying. On life expectancy in the Roman world, C. Laes, *Children in the Roman Empire*, 22–7; idem and J. Strubbe, *Youth in the Roman Empire*, 23–30. Similar statistics emerge from a survey of the Jewish community of Rome in Late Antiquity, L. V. Rutgers, *The Jews in Late Ancient Rome* (Leiden 1995), 100–37. On children's death in Jewish sources, Kramer, *Meaning of Death*, 1–13; T. Ilan. *Mine and Hers, Retrieving Women's History from Rabbinic Literature* (Leiden 1997), for multiple references to death of children of rabbinic figures. See also S. Valler, "Grief over the Death of Children," in eadem, *Sorrow and Distress in the Talmud* (Boston 2011); and M. Bar Ilan, "Infant Mortality in the Land of Israel in Late Antiquity," in *Essays in the Social Scientific Study of Judaism and Jewish Society*, ed. S. Fishbane and J. N. Lightstone (Montreal 1990), 3–25. In general on epigraphically derived data, P. W. van Der Horst: *Ancient Jewish Epitaphs: an Introductory Survey of a Millennium of Jewish Funerary Epigraphy* (300 BCE–700 CE) (Kampen 1991, 1996), passim. Chapter 2.

⁴ For the expression, S. R. Holman, "Martyr Saints and the Demon of Infant Mortality: Folk Healing in Early Christian Pediatric Medicine," in *Children and the Family in Late Antiquity*, 235–55.

appeared miraculous given the limits of medical knowledge, the availability of medical practitioners in a frontier town like Dura and the helplessness of parents. Amulets, healing shrines, and appeals to saints and holy men attest parental hopes of warding off the threat of death.⁵ At Dura, the image of the revived child on the wall elicited comments from viewers who were clearly touched by the scene:

Praise to God, praise! For life,
Life eternally he gives

And more briefly:

living the child that had been dead

The last words were jotted twice by an Iranian, once over the right thigh of Elijah and once on his foot, a textual performance of sharing the joy generated by this biblical myth.⁶ A third dipinto (painted text), scribbled on another Elijah panel in the synagogue, succinctly captured the marvel of survival with words inserted over the himation of a child assisting the prophet's triumphant sacrifice to Yahweh (1 Kgs 18):

*living the dead became.*⁷

Perhaps the writer assumed that the revived child, last shown on the western wall alive and well, had become a follower of the prophet. The biblical text does not contain a single allusion to the presence of children during the sacrifice orchestrated by Elijah against the prophets of the Baal (1 Kgs 18). At Dura, however, the visualization of the biblical

⁵ Holman, 255.

⁶ B. Geiger, "The Middle Iranian Texts," in Kraeling, *Synagogue*, 314 no. 55. Much controversy surrounds the identity of these Iranian "visitors" and the date of the "visit," since the Middle Iranian inscriptions of the synagogue are connected with the perennial problem of post-conquest Dura. Neither the precise date of the fall of Dura Europos to Shapur I has been fixed, although 255/6 has been widely accepted, nor the period of Sassanian presence in the conquered town. For summary of opinions, J. A. Baird, "Dura Deserta: The Death and Afterlife of Dura Europos," in *Urbes Extinctae. Archaeologies of Abandoned Classical Towns*, ed. N. Christie and A. Augenti (Farnham 2012), 307–30, who also espouses a brief Sassanian occupation of Dura in 253, perhaps a fitting context for beautifully drawn graffiti of appreciation, although hardly likely to have been expressed or executed by Iranian Jews as she claims. A recent analysis of the extent of familiarity of Babylonian rabbis and of the Babylonian Talmud with Middle Persian has concluded that while some rabbis were indeed able to understand and even speak Middle Persian, the number of Persian terms in the Babylonian Talmud is exceptionally low by comparison with the Greek and Latin loanwords in Palestinian rabbinic compilations, S. Secunda, *The Iranian Talmud: Reading the Bavli in its Sasanian Context* (Philadelphia 2014), 38–9. One may well also ask whether these rabbis were able to write Persian at all.

⁷ Geiger, 310 no. 51, considers this inscription odd because it was placed, it seems, on the wrong picture and hence it was "an enlarged and deteriorated copy" of no. 49.



Figure 7.2. Dura Europos synagogue. Elijah's sacrifice.

text contains two children, possibly even five, all prominently placed on one side of the altar, each carrying implements necessary to kindle the fire (Figure 7.2).

In fact, and the fact has never been recorded or remarked upon, the Durene synagogue paintings are surprisingly full of children.⁸ There are

⁸ Among recent examples of the rich bibliography pertaining to the synagogue at Dura Europos: J. Elsner, "Viewing and Resistance: Art and Religion in Dura Europos," in idem. ed., *Roman Eyes: Visuality and Subjectivity in Art and Text* (Princeton 2007), 253–88; T. Rajak, "The Dura-Europos Synagogue: Image of a Competitive Community," in *Dura-Europos: Crossroads of Antiquity*, ed. L. R. Brody and G. L. Hoffman (Chestnut Hill, MA 2011); K. B. Stern, "Inscription as religious competition in third century Syria," in *Religious Competition in the Third Century CE: Jews, Christians, and the Greco-Roman World*, ed. J. D. Rosenblum, L. Vuong and N. DesRosiers (Göttingen 2014), 141–52. Chapter 6. I have yet to see a detailed discussion of the picture-labels and their meaning – why are they attached to some characters but not to others? How would such labeling link with levels of literacy, visual and textual, in the community? What does the use of Greek for such labels suggest? Wilken is quite correct in stating that to understand the basic presentation, its subject and protagonists, basic knowledge of a text was required. Even the labels may not have been fully obvious to viewers unless they had previous knowledge of the story, R. L. Wilken., "The novelty and inescapability of the Bible in Late Antiquity," in *The Reception and Interpretation of the Bible in*

children, like the unnamed son of the widow and like baby Moses, who feature in incidents relating to death or to near death. There are children, like those assisting Elijah's sacrifice, whose presence during key events in Israelite history was not warranted by the biblical text. And there are children whose participating in Jewish festive celebrations, like Sukkot (Tabernacles), was mandated in the Hebrew Bible. Opening a space for children on the walls of the synagogue involved an examination of the shared past in light of the contemporary context. Stories would cross paths. This is how the community chose to remember that its cohesiveness was wholly collective, each occasion embracing a diversity of age groups, sexes and social classes.

Alongside the widow's miraculously revived child, the lowest register of the western wall (the wall facing Jerusalem and containing the Torah niche), was dedicated to episodes featuring turning points in the life both of an individual child and of the people of Israel as a whole.⁹ The expansive and astonishingly detailed treatment of Moses' infancy (Ex 1–2) provided Durene Jews with a vivid recollection of a miracle of defiance and survival of a single child which led to the Exodus and to the annual celebration of Passover (Figures 7.3 and 7.4). Samuel's anointing of the adolescent David (1 Sam 16:1–13) reminded viewers of the most popular king of Israel, the founder of a dynasty destined to produce the messiah. Esther's triumph at the Persian court (Esther 6; 9) probably inspired local celebrations of the feast of Purim, igniting hopes of salvation as the threat of Persia grew ever closer to Dura. On the arch enclosing the Torah niche, synagogue members and visitors could view the child Isaac metamorphosed into a bundle on top of an altar in anticipation of the ultimate act of faith, his sacrifice to Yahweh (Gen 22).¹⁰ Above the Torah niche, on the so-called reredos (the area directly above the Torah niche), two children, Ephraim and Menashe, Joseph's two sons, were placed in front of the dying Jacob, their grandfather, awaiting his blessing (Figure 7.5). This central panel, also displaying the eponyms of the twelve tribes of Israel, acted as a visual reinforcement of unbroken Jewish genealogy.

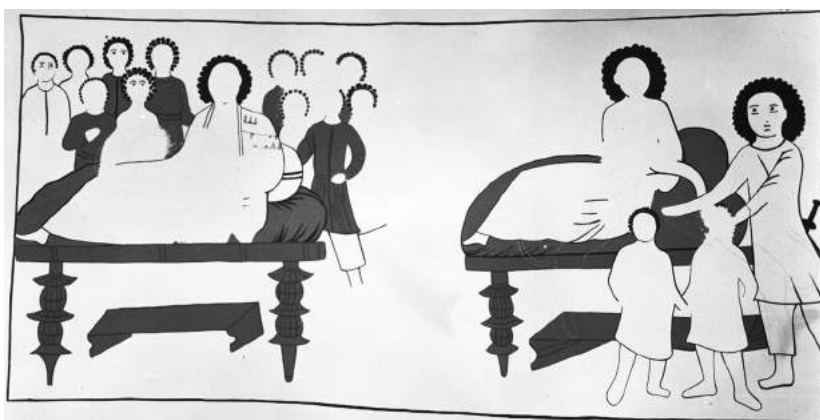
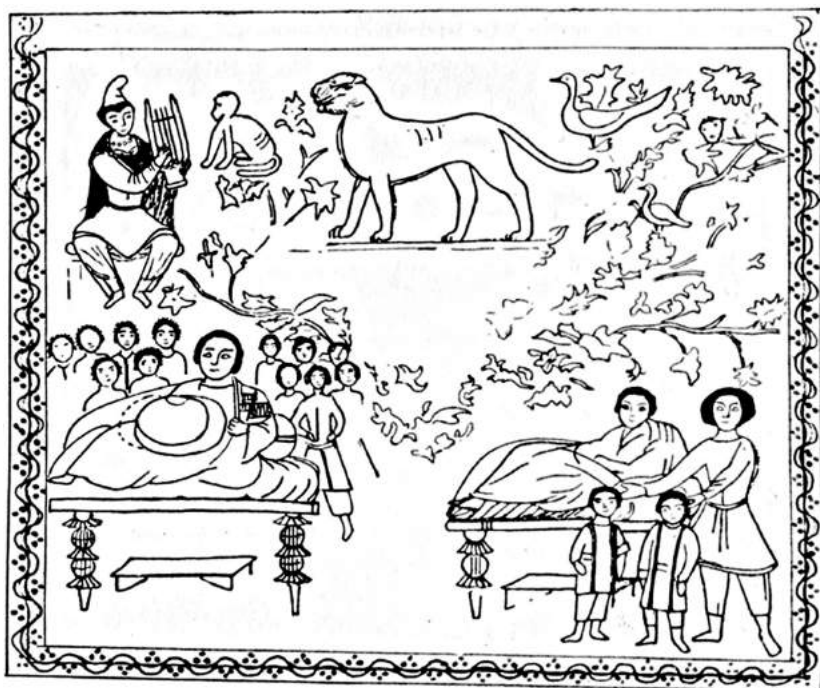
Late Antiquity, ed. L. DiTommaso and L. Turcescu (2008), 3–16. For synagogue graffiti in the context of Durene graffiti bearing names, K. B. Stern, "Tagging Sacred Space in the Dura-Europos Synagogue," *JRA* 25 (2012), 171–94.

⁹ On Dura's children's register, Chapter 6.

¹⁰ On Gen 22 and its long history of interpretation, Chapter 6. Among many modern discussions, Bregman, "Aqedah: Midrash as Visualization," dealing not with visuals or visualization but with the cyclical process that launches the imaginative projection of scriptural subtexts which are then exported to midrashic texts.



Figures 7.3 and 7.4. Dura Europos synagogue. Moses' infancy.



Figures 7.5a and b. Dura Europos synagogue. The reredos showing Jacob blessing his grandchildren, Ephraim and Menashe.



Figure 7.6. Dura Europos synagogue. Temple dedication during the feast of the booths (sukkot).

Painted children also appeared on other, less well-preserved, synagogal walls at Dura. On the north wall of the synagogue a fragmentary panel depicted, by one interpretation, the presentation of the infant Samuel by his mother Hannah at the Shiloh sanctuary (1Sam 1), and by another the child of the “great” woman of Shunem who, like that of the widow of Zarephath, was revived through timely prophetic intervention (2Kng 4).¹¹ On the south wall, along the middle register, a fragmentary panel featured children actively engaged in performing rituals connected with the dedication of the Temple during the feast of Sukkot (Figure 7.6).¹² This is an important and hitherto overlooked painting, containing depictions of, at least, five children. One child is seen waving a palm branch; a second is carrying an unidentified object. Two more children hold long slender curving objects, most likely palm branches. A fifth holds palm branch in one hand and probably a willow branch in his other. All the children are dressed in white

¹¹ Kraeling, *Synagogue*, 94 (NB 2).

¹² Kraeling, *Synagogue*, 117, connecting the scene with 1 Kgs 8, the dedication of the Temple in Solomon’s time. Note, however, that the only unequivocal biblical reference to the feast as sukkot appears in Neh 8:13–18.

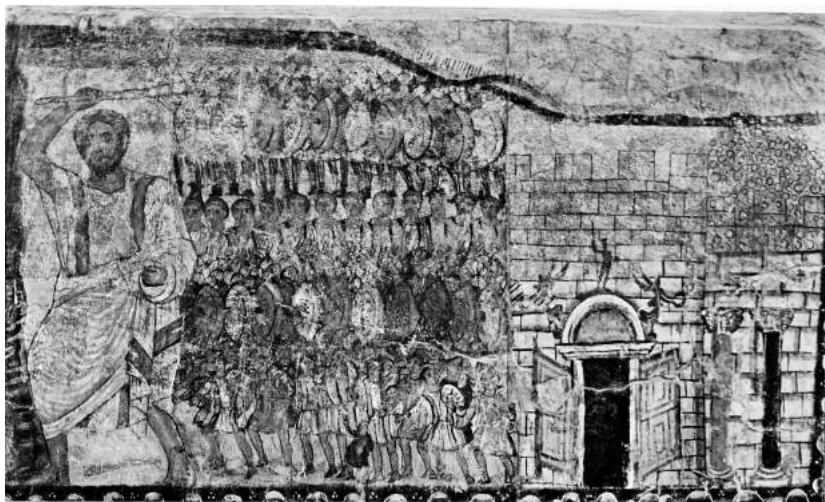


Figure 7.7. Dura Europos synagogue. Exodus. Israelites marching out of Egypt.

short tunics that contrast with the colorful oriental clothing of the adults. The biblical texts commemorating the dedication (1 Kgs 8; Neh 8) allude to crowds but fail to draw distinctions of either age or gender. Inserting children so conspicuously into the scene of festive jubilation emphasized communal participation in the sukkot pilgrimage to Jerusalem and the Temple regardless of age (Ex 23:17). The celebration of Sukkot at Dura implemented the ties between the Diaspora and the homeland, clearly vibrant in spite of the demise of both Temple and pilgrimage.¹³

On the western wall, the huge Exodus panel dominated the top register. The crowds of the Hebrews marching out of Egypt are easily discernible, as are the lines of well-armed Egyptians. Amid countless adult bodies there is only one child, a solitary small figure wearing dark clothing, unlike the white-clad Hebrews (Figure 7.7).¹⁴ The child is holding the hand of an adult, patently its father. Both father and child are prominently placed along the frontal file of the Israelites.¹⁵ This singular mini-scene provided

¹³ On the centrality of Sukkot in Palestine, Chapter 8. It is further apparent in the wide diffusion of Sukkot symbols (i.e. the four species) throughout the Jewish-Roman Diaspora on mosaics, funerary paintings and small objects.

¹⁴ On the typology of children in Red Sea Crossing representations, J. Elsner, "Children and Adults in the Red Sea Crossing Sarcophagi," in *Judaism and Christian Art. Aesthetic Anxieties from the Catacombs to Colonialism*, ed. H. L. Kessler and D. Nirenberg (Philadelphia 2011), 10–44, esp. 21 tabulating topology of childhood on 11 sarcophagi, all Christian.

¹⁵ Kraeling, *Synagogue*, 80 figure 19.

a visualization of both the biblical story and the admonition which directed the Hebrews to preserve and transmit in perpetuity their narrative of liberation through the annual celebration of Passover:

if your son asks you tomorrow what does it all mean? You will tell him that the Lord took us out of Egypt, redeeming us from slavery by might. (Ex 13:14)

These are biblical formulae charged with significance. They encapsulated the role of children as memory storehouses of familial ceremonies and as transmitters of religious knowledge.¹⁶ They implied the activation of learning processes in domestic and public spaces, home, synagogue and school. Because the Jewish calendar revolved, and still does, on biblically prescribed festivities, performing rites in the correct manner was crucial. While biblical injunctions supplied guidelines, their actualization was subjected to contexts of execution – individual, familial, communal.

Jews at Dura were not alone in punctilious observance of festivities. The *feriale duranum* calendar preserved a comprehensive list of festivities and anniversaries celebrated in the camps.¹⁷ It specified the date, the nature of the festival or anniversary and the manner of observing each one. Constantly modified and revised to fit changing reigns, localities and conditions, the calendar united soldiers serving in units of the Roman army stationed at Dura around the flag, or rather the standard. There were also many temples at Dura, some decorated with paintings just like the synagogue. Indeed, for its size Dura appears to have been a town of remarkable religious diversity, boasting a wide range of devotional activities.¹⁸ Perhaps we need to visualize not only religious pluralism but also reciprocal visits. We know of visitors to the synagogue, like the individuals who recorded their appreciation of the Esther panel in Middle Persian dipinti. In fact, the painted walls provide a unique and richly decorated guide to biblical narratology and geography to Jews and non-Jews alike.

¹⁶ Cf. F. Prescendi, “Children and the Transmission of Religious Knowledge,” in *Children, Memory, and Family Identity in Roman Culture*, ed. V. Dasen and T. Späth (Oxford 2010), 73–4 for useful terminology albeit in a polytheistic context.

¹⁷ D. Fishwick, “Dated Inscriptions and the Feriale Duranum,” *Syria* 65 (1988), 349–61 with text, commentary and epigraphical parallels.

¹⁸ L. Dirven, “Strangers and Sojourners: The Religious Behavior of Palmyrenes and Other Foreigners in Dura Europos,” in *Dura Europos. Crossroads of Antiquity*, ed. L. Brody and G. Hoffman (Boston 2011), 201–20; on personal religion and personalized salvation dedications at Dura, J. Moralee, *For Salvation’s Sake: Provincial Loyalty, Personal Religion, and Epigraphic* (London and New York 2004), 79–83.

Yet in none of the surviving sanctuaries in Dura do images of children feature so prominently as they do in the town's synagogue.¹⁹ If, as Kraeling already indicated, the Durene biblical cycles encompassed a Jewish calendar, the children on the wall, in spite of their anonymity and generic iconography, signify the potential perpetuity of family, tradition and creed.

Painted Children: A Lexicon for Learning about Identity?

Rooted in the time and space of biblical myths, the episodes featuring children on the synagogue walls ensured that texts and rituals employed during Jewish festivals were not read or learned in isolation. These were mnemonics employed in the education of the young and designed to accustom the community and its children to a connected reading, verbal and visual, of the Hebrew Bible. Through the manipulation of biblical images by the Dura painter(s) we learn of situations in which parental absence or presence shaped Jewish childhood.

Childhood is a function of belonging. At Dura the painted children often featured within familial and communal contexts. Most of them belonged to incomplete families where biological paternity or maternity was absent. The visual interpretation of biblical scenes cast children as orphans who required revival or protection. Such casting likely screened realities, bearing out the dictum that "infancy and early childhood were not times of safety but a period to be survived."²⁰ Many neonates would have lost their mothers since mortality among women was high, particularly when giving birth. How many infants would have been detached from their family of birth due to exposure is unknown.²¹ At any point throughout infancy, childhood and adolescence, children faced the risk of losing both parents. Half, at least, of children who survived to age fifteen would have become fatherless by then.²²

¹⁹ Conon is the sole surviving exception outside the synagogue. The fragmentary Homeric narrative scenes on a Durene shield do not feature children, L. Miguélez-Cavero, *Triphiodorus, "The Sack of Troy": A General Study and a Commentary* (Berlin and Boston 2013), 383 for photo, commentary and references.

²⁰ T. Parkin, "The Demography of Infancy and Early Childhood in the Ancient World," in *The Oxford Handbook of Childhood and Education in the Classical World*, ed. J. Evans Grubbs and T. Parkin (Oxford 2013), 57; and idem, *Demography and Roman Society* (Baltimore 1992), passim.

²¹ Chapter 5.

²² W. Scheidel, "The Demographic Background," in *Growing up Fatherless in Antiquity*, ed. S. R. Hübner and D. M. Ratzan (Cambridge 2009), 31–40.

Outside the synagogue we know practically nothing about Jewish families at Dura. Not much more is known of families in Dura in general. A Greek marriage papyrus contract (242 CE) recorded the nuptials of the soldier Aurelius Alexander (belonging to the cohorts XII Palaestinorum) with Aurelia Marcellina, a widow of another soldier.²³ The bride's dowry consisted of expensive clothing items and other valuables. No reference was made to children either by her first marriage or to anticipating an issue through her second marriage. The silence contrasts with marital contracts recovered from the Judean desert a century earlier and with contemporary early third-century Mishnaic rules which specifically provided for paternal maintenance of children born in lawful wedlock.²⁴ Whether Aurelius and Aurelia were a mixed religious couple cannot be established, nor whether Durene Jews adhered to the letter of the biblical ban on Jewish-gentile marriage.²⁵ Yet marriage probably constituted the main means of integration between the military and civilian spheres at Dura.²⁶

In the following analysis of the Durene panels featuring children I focus on two models of the family, each characterized by the absence of, at least, one parental figure. The stories reflect situations which, I believe, had been deliberately lifted out of the rich palate of biblical narratives because of their contemporary echoes.

Familial Model I: Missing Maternity

Two scenes, one based on Genesis 22, the other on Genesis 47–8, delineated a childhood marked by maternal absence, notably at constitutive moments of an all-male bonding. The Durene visualization of the Akedah (binding of Isaac, Gen 22) atop the Torah niche on the western wall contains three humans, all turning their back to viewers.²⁷ None was differentiated by gender, only by size. The largest, clearly Abraham, stands in front of the composition, brandishing a knife. Isaac is a bundle atop the altar. A third is a minuscule figure standing at the opening of a small tent. This is probably Sara, Isaac's mother, whom the

²³ A. Perkins, *Excavations at Dura Europos. Final Report 5.1. Parchments and Papyri*, 153–9, no. 30, with N. Pollard, *Soldiers, Cities, and Civilians in Roman Syria* (Ann Arbor 2000), 157. See also J. Evans Grubbs, *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce and Widowhood* (New York 2002), 133–5 for translation and notes.

²⁴ See Chapters 2 and 8.

²⁵ H. Zlotnick (Sivan), "Rabbinics and Roman Law: Jewish-Gentile/Christian Marriage in Late Antiquity," *Revue des Etudes Juives* 156 (1997), 59–100; C. Hayes, "Intermarriage and Impurity in Ancient Jewish Sources," *HTR* 92 (1991), 3–36.

²⁶ Pollard, 154. ²⁷ Chapter 6.

biblical text specifically removes from the scene of the potential sacrifice of her only son. At Dura, however, the maternal absence of Genesis 22 was discreetly “corrected” by compressing two narratives, the annunciation (Gen 18) and the Akedah (Gen 22). This was a clever transposition of texts into a single episode that evoked the absent mother at a turning point in the life of both son and spouse. Reintegrating Sara into the visualization of Gen 22 underlies a specific Durene comprehension of the biblical test of paternal faith in Yahweh. The core of the Akedah was understood as a familial tragedy affecting both parents and child. While the motionless Isaac represented unquestioning obedience to paternal precepts, his shriveled mother encompassed the universal tragedy of maternal bereavement.

This novel presentation would have been supplemented by the sound of synagogal liturgical poems (*piyyutim*) on the binding of Isaac. An Aramaic *piyyut* on the Akedah endowed the child Isaac with an eloquent reproach addressed to his father about the missing mother:

*How will you go and tell
My mother Sarah?
How will you leave me
And go home? . . .
Sprinkle my blood over the altar
Assemble my ashes
And bring them to my mother?*²⁸

In the synagogal spaces where these poems would have been recited while listeners perused the paintings of biblical images, the visuals articulated the poignancy of the loss of life at so young an age and of maternal infinite sadness. Sara’s hinted presence on the panel restored the balance of familial relations.

How often did the hand of God, an angel or a prophet, materialize to save a child, especially those destined to die by a paternal hand? When Jacob was asked to bless his grandchildren, sons of Joseph and Aseneth, we are told that he suddenly conjured the figure of his dead wife, Rachel

²⁸ Text in M. Sokoloff and Y. Yahalom, *Jewish Palestinian Aramaic Poetry from Late Antiquity* (Jerusalem 1999), 126–7 trans. in O. Munz-Manor, “Liturgical Poetry in the Late Antique Near East,” *Journal of Ancient Judaism* 1 (2010), 355–6. Dates are unclear, as is how *piyyutim* circulated around the Mediterranean Jewish communities. Cf. a similar expansion of the role of Sara and Isaac in a Christian poem on the same topic, P. W. van der Horst and M. F. G. Parmentier, “A New Early Christian Poem on the Sacrifice of Isaac,” in *Le Codex des visions*, ed. A. Hurst and J. Rudhardt (Geneva 2002), 155–72; A. Hilhorst, “The Bodmer Poem on the Sacrifice of Isaac,” in *The Akedah (Genesis 22) and its Interpretations*, ed. E. Noort and E. J. C. Tigchelaar (Leiden 2002), 96–108.

(Gen 48:7), Joseph's mother, who died giving birth to Benjamin, Joseph's younger brother. It was a vision that deliberately mixed the dead with the living. Yet Jacob's verbal legacy, as articulated in Genesis 47–48, celebrated solely male genealogies. Maternity was altogether absent. At Dura the generational gathering of Jacob's descendants, depicted on the reredos, included only males, two grandsons in the front of the composition and twelve sons ranged behind the dying patriarch.²⁹ The children's dress, long-sleeved belted tunics, is similar to that of their father.³⁰ Jacob's arms are crossed, a hint of Genesis' troubled history of switched primogeniture. The all-male, linkage was crowned in the upper part of the reredos with a scene that featured the homage of the twelve tribes, descendants of Jacob's twelve sons, to David upon his coronation. In fact, neither of the pictures atop the Torah niche had been the community's original choice. Still discernible are a large tree, a lion and a man playing the lyre, a universal bucolic imagery designed not to invoke the particularism of biblical-patriarchal succession but the harmony of humanity and nature, springing from the melodious notes of the music of the lyre.³¹

As they raised their eyes to the reredos, Durene Jews of all ages, members of a double Diaspora, of Roman–Persian frontiers and of Jewishness, could visualize their long and uninterrupted chain of identity transmission harking back to Jacob and his sons. This was, however, an angle reserved for males. The absence of mothers, sisters and daughters from the painted scenes reflected problematics of definition. This ambiguity of femaleness undergirds the second familial model at Dura, based on females' heroic efforts to save children and preserve the family.

Families Model II: The Fatherless Child

Along the lowest register of the western wall three panels unfold stories of infants and adolescents whose fathers are conspicuously absent. Moses'

²⁹ P. V. M. Flesher, "Rereading the Reredos: David, Orpheus and Messianism in the Dura Europos Synagogue," in *Ancient Synagogues. Historical Analysis and Archaeological Discovery*, ed. D. Urman and P. V. M. Flesher (Leiden 1998), 346–66, esp. 359–62, on the reredos' encapsulation of the formation of Israel's nationhood, which I would correct to Israel's manhood.

³⁰ Kraeling, *Synagogue*, 222, also noting that the children's tunics have two vertical *clavi* down the front instead of the single decorative band normal in the court costume of adults. Ibid., 223 note 882 on differences between children's and youths' costumes on panel SB1 (dedication of the Temple/Sukkot) and similarities between these and the two boys in the foreground of the Conon fresco.

³¹ J. Milgrom, "The Dura Synagogue and Visual Midrash," in *Scriptures for the Modern World*, ed. P. R. Cheesman and C. W. Griggs (Provo UT 1984), 40–1.

infancy panel features one paternal figure, a Pharaoh bent on destroying his enslaved population through curtailing their birth rate. Moses' own father is all but absent. Ex 2, the subject of the Durene painting, encapsulates the attempted subversion of patriarchy by pitting the potent monarch with ostensibly impotent women, midwives, a mother and two daughters.³² In the synagogue panel, the female figures were ranged not by age or according to familial relations but by their function in the narrative – they are midwives, maidservants, wet nurses, aristocrats and slaves, all colluding in an effort to save children. The biblical mother, sister and gentile savior are marked by no distinction of size or religious affiliation or social status. Nakedness and clothing signify both the mortal danger facing a naked child set afloat on the Nile and the courage of a single woman who plunges naked into the water to save it.³³ The Hebrew females, heavily draped, are indistinct, as though all females were destined to share the same fate. They are juxtaposed with three lightly clad females representing the Egyptian maids of the naked princess.³⁴ The baby itself is shown always naked. The presence of so many Egyptians in the panel provided a visual reminder of Moses' adoption and transfer into the Pharaonic palace, a move that resembled the vicissitudes experienced by Esther in the harem of the Persian monarch.³⁵ Formal adoption was apparently rarely practiced among Jews. It was widespread throughout the eastern Mediterranean. At Dura itself, a papyrus (second-century, Syriac) recorded the equal rights of adopted and natural children who were written in the paternal will as equal heirs.³⁶

³² On this panel see Sivan, "Moses' Infancy and the Remaking of Miriam in Antiquity." On textual history, J. Cohen, *The Origins and evolution of the Moses Nativity Story* (Leiden 1993), passim, esp. 62–6 on the Durene panel.

³³ Not necessarily designating gentiles only, pace W. G. Moon, "Nudity and Narrative: Observations on the Frescoes from the Dura Synagogue," *Journal of the American Academy of Religion* 60 (1992), 587–658. See also N. S. Cohn, "What to Wear? Women's Adornment and Judean Identity in the Third Century Mishnah," in *Dressing Judaeans and Christians in Antiquity*, ed. C. Daniel-Hughes, K. Upson-Saia and A. J. Batten (Farnham 2014), 21–36.

³⁴ In her brief discussion of children at Dura J. A. Baird, *The Inner Lives of Ancient Houses: An Archaeology of Dura-Europos* (Oxford 2014), 239, draws distinctions regarding clothing and gender roles, noting the presence of small copper alloy bells and beads. Cf. M Shab 6.9 and PT Shab. 6.9 on "aristocratic" children donning bells during Sabbath. In the painting depicting the three generations of Conon's family, boys and girls are apparently dressed as their adult counterparts, namely as smaller versions of either adult females or males. Yet, in the Dura panel of Temple dedication/Sukkot, the children's clothes are conspicuously different from those worn by adults, although it is difficult to draw gender distinctions on this basis.

³⁵ H. Zlotnick (Sivan), *Dinah's Daughters. Gender and Judaism from the Hebrew Bible to Late Antiquity* (Philadelphia 2002), 76–92, on the biblical narrative; A. Koller, *Esther in Ancient Jewish Thought* (Cambridge 2014).

³⁶ P. Dura 12 with Hübner, 520.

Multiple threads may be drawn. Moses' infancy is, in essence, the tale of child-abandonment, a widespread practice in antiquity.³⁷ Whether Jews practiced exposure of infants has been a subject of controversy. No doubt the picture's most relevant aspect to contemporary Dura would have been its emphasis on the vulnerability of enslaved families to separation, above all to the removal of their infants. It may explain why, of all biblical figures, Moses dominates the Durene visual Bible. He is seen, fully grown, on panels depicting the scene at the burning bush and the Sinaitic epiphany. He towers above both Hebrews and Egyptians in the huge Exodus panel, where his gigantic stature contrasts sharply with that of the only child marching in front of the Hebrew file, as though the two mark distinct yet complementary book ends. Above all, Moses' visual presence at Dura contrasts with his conspicuous absence from the Passover Haggadah, the liturgical text that accompanies the celebration of the Passover Seder.³⁸

Both the anonymous child of the Exodus march and baby Moses of the Exodus 2 panel show how biography and collective history were inextricably intertwined. In Dura's polytheistic context such reminders of particularism were not accidental. Like other groups at Dura, the Jews too claimed autochthony. They were also citizens of their town and their empire. Their Moses, a leader wielding a club like Heracles, was emblematic of a common language of images.³⁹

The "children register" on the synagogue's western wall further displays a panel depicting the seven sons of Jesse, with David at the center, all ranged in front of the prophet Samuel (1 Sam 16).⁴⁰ Like the painted protagonists of Moses' infancy, the logic of the arrangement does not appear to rely on the biblical text which alludes to David as Jesse's youngest son. On Dura's walls David is equal in size to all his siblings. Jesse himself is absent in spite of his centrality in the biblical narrative as the father in charge of introducing his children to the prophet. Jesse also issues commands. He summons David from the field to meet the prophet. At Dura, paternity was entrusted to God's prophet as though the act of anointing also signaled David's removal from the familial and paternal fold. There is no trace of a mother, neither in David's biblical annals nor at Dura.

The presence of David's brothers as mute participants in the moment of their sibling's detachment from the familial fold served, perhaps, as an

³⁷ Chapter 5. Evans Grubbs, "Infant Exposure and Infanticide."

³⁸ Sivan, *Palestine in Late Antiquity* (Oxford 2008), on Passover rituals and text.

³⁹ Baird, *Inner Life*, 178–80 with photo of a statue of Heracles at Dura.

⁴⁰ 1 Sam 16:11 uses the term "minor" (*katan*) to describe David, a term widely employed in rabbinic Judaism to denote a child, although rarely with precision of age, and Chapter 1.

allusion to the high rate of infant mortality, a factor that put a constant strain on reproduction.⁴¹ They reminded viewers that Jewish family strategies, notably polygamy and levirate marriage, were calculated to ensure a male heir and to perpetuate the family's name.⁴² Completing and possibly competing with the David panel was the story of Esther. Described in the biblical scroll which bears her name as a girl lacking both father and mother, the text hastens to add that she was "taken as a daughter" by her cousin Mordechai (Es 2:7), perhaps an allusion to formal adoption. At Dura, Esther was tucked behind her royal husband, a reminder that in spite of her critical role as a savior she, unlike David, remained a marginal figure in both harem and family of origin. Should we take the conspicuous placing of the Esther panel at Dura as an endorsement of Jewish-gentile marriage? We know of the presence of, at least, one proselyte in the community but we have no way of determining whether it signified mixed marriages or conversion or both.⁴³ Completing the canvass of ruptures, replacements and paternal absences on Dura's western wall is the panel describing the revival of the widow's son, where Elijah was positioned as a prophet appointed to restore maternity.

Gazing at the panoply of selected biblical narratives on the walls of their synagogue would have brought home the derivative character of childhood. Children are derived from a maternal womb but at Dura they were reshaped by nature, like the water which enclosed baby Moses, or by the divine design which brought Elijah to the home of a widow, or Samuel to Jesse's home. In visualizing the Bible, each child planted on the walls represented a metaphor for collective fate. Because children were featured at different stages of their development, the childhood projected in the wall's visuals reflected gender horizons, with girls destined to become wives (Esther) and mothers (Moses' infancy; Elijah's and Elisha's revival of only sons), and boys destined to become patriarchal figures at home and beyond. There are no "rites of passage" like circumcision. But there are critical moments that fashion a child's identity, monitoring the transition from childhood to adulthood through assumption of ritual-festal obligations.⁴⁴

⁴¹ S. R. Hübner, "Adoption and Fosterage in the Ancient Eastern Mediterranean," in *The Oxford Handbook of Childhood and Education in the Classical World* (2013), 510.

⁴² Eadem, "Adoption," 512.

⁴³ On proselytes and their reception in other Jewish communities, A. Collar, *Religious Networks in the Roman Empire* (Cambridge 2013), 234, esp. those belonging to a Jewish funerary association in Aphrodisias whose members call themselves "lovers of learning." Cf. the Maltese "lover of the Law," Noy, *JWE I* (Italy), no. 163 (Rabat, fourth to fifth century).

⁴⁴ On age categories in ancient Judaism, Wyn Schofer, "Life Cycles"; Marcus, *The Jewish Life Cycle*, 11–18; Chapter 1.

And you shall tell your children: Sabbath and Festivals at Dura

How Jewishness was inculcated at Dura we do not know but we can indulge in speculating. Domestic rituals at Dura likely included the daily recitation of grace after meals (*Birkat HaMazon*), collectively shared by all family members.⁴⁵ A fragmentary parchment of one such prayer, discovered in 1932 behind the synagogue, contains the text in the original Hebrew.⁴⁶ Whether the parchment was intended to serve guests who lodged in quarters reserved for hospitality near the synagogue or an individual household is unclear. The employment of Hebrew in a linguistic orbit of Greek and Aramaic (and Pahlavi) appears unprecedented, all the more since Jews were allowed to recite Grace after Meals in any language as long as they understood what they were saying.⁴⁷ Perhaps our tendency to draw radical separation between each linguistic sphere does not reflect the constant interference between them. There was evidently a place for Hebrew at Dura just as there was room for Greek and Aramaic without, perhaps, too clear an order of precedence. Reciting basic prayers in the “holy language” may have constituted the “otherness” component in the life of Dura’s Jews, just as Sabbath did once a week, as well as the annual festivals, each speaking an integrative yet also exclusive language. To use Hebrew on these occasions implied a verification of children’s own parentage, familial and communal.

Birth was a criterion of inclusion. It placed a child within a specific familial and religious context. Deut 31:12 enjoins a regular public assembly composed of “men, women and children (*taf*),” so that they all “listen and learn [the Torah] to fear the Lord and to fulfill all the words of the Torah.”⁴⁸ To stay faithful to Scripture and to one’s own ideology rabbinic exegesis allocated a specific role to each of the attending groups:

Rabbi Joshua encountered Rabbi Jochanan son of Broka and Rabbi Eleazar Hisma at Peqiin and asked them . . . Whose Sabbath was it? They replied: It was that of Rabbi Lazar [Eleazar] son of Azariah. He then asked: And what did he preach about? They replied: About the verse (Deut 31:12) *gather the*

⁴⁵ S. Marks, “In the Place of Libation: Bitkat Hamazon Navigates New Ground,” in *Meals in Early Judaism. Social Formation at the Table*, ed. eadem and H. Taussig (New York 2014), 71–97 on contexts of recitation, familial and collective.

⁴⁶ R. Du Mesnil du Buisson, “Un parchemin liturgique juif et la gargote de la synagogue a Doura Europos,” *Syria* 10 (1939), 23–34, on the use of this text by the person in charge of synagogue hospitality. Kraeling, *Synagogue*, 259, reiterates the suggestion of Torrey that this fragment is not a part of a prayer but a fragment of a tract on the eating of animal food prepared for consumption in the Jewish school of Dura.

⁴⁷ M Sot 7.1; PT Sot 7.

⁴⁸ Cf. Ezra 10:1 on the crowd of “men, women and children (*yeladim*)” assembled to listen to Ezra in front of the newly reconstructed Temple.

people, men, women, and young children. And what did he say? [He said] that men come to learn and women come to listen. And why do children come? In order to reward those who bring them. Upon which Joshua declared: the generation that counts Rabbi Lazar is not orphaned. (PT Sot 3.4)

Separating women from men and children from adults, this interpretative vignette qualified participation in public assemblies in terms of active and passive learning. Children, it seems, merely became a visual prop. They neither shared in the learning process nor in the listening activity.⁴⁹ The preaching associated with Rabbi Eleazar empowered a cohesive vision of entire families sharing the thrill of Sabbath in the synagogue while conjuring an image of young children soon to be divided according to gender roles of learning and listening.

In communal assemblies and spaces, exemplary acts of individual donors, like Samuel son of Yedaya of Dura, provided a template of conduct. Samuel's name appears on several inscriptions from the synagogue where he is designated as an office holder (priest – *cohen*, elder – *zaken*, *archon* and *presbyteros*) and as a supporter of construction projects.⁵⁰ His involvement in communal affairs, as well as his donations to the synagogue, reflects Jewish thinking at Dura about citizenship in terms of status, wealth and the discharge of communal obligations. In recognition the community conferred its blessings on him, his wife and his children.⁵¹

One of Samuel's dedicatory inscriptions refers to prayers and services (?) that took place "every Sabbath."⁵² It is difficult to understand this allusion. To the best of my knowledge it constitutes the only reference to the Sabbath in Jewish epigraphy, a confirmation that this weekly celebration was the hallmark of Jewishness wherever a Jewish community lived.⁵³ How Jews at Dura kept the Sabbath and its regulations may be gleaned from the layout of housing in the vicinity of the synagogue. According to Kraeling, the area constituted a Jewish "quarter" with courtyards linked

⁴⁹ Sassoon, "Torah Study," 113–14 on the deliberate distinction between the scriptural commands of the ostensibly passive "listening" which Azariah attached only to females, and of the active "learning," which he attached only to males.

⁵⁰ Torrey, "Aramaic Texts" 1, 1b, Greek 23 in Kraeling, *Synagogue*, 265–6 inscription 1, 331.

⁵¹ Kraeling, *Synagogue*, 277, inscription 23. The title *presbyteros* appears on Jewish inscriptions from Dura to Sicily, Collar, *Religious Networks*, 199 for a quick count.

⁵² Aramaic texts 1, tile B line 9 (Kraeling, *Synagogue*, 263).

⁵³ H. A. MacKay, *Sabbath and Synagogue. The Question of Sabbath Worship in Ancient Judaism* (Leiden 1994), passim; R. Goldenberg, "The Jewish Sabbath in the Roman World up to the Time of Constantine the Great," *ANRW* 19.1 (Berlin 1979), 414–47. On the biblical Sabbath, Sivan, *Between Woman, Man and God. A New Interpretation of the Ten Commandments* (London and New York 2004), 86–106; and Chapter 10.

by a passageway.⁵⁴ The arrangement would have facilitated the execution of *eruv*, mixing of yards, enabling the carrying of items beyond the domicile without violating Sabbath rules on mobility and on carrying.⁵⁵

In the process of identity formation the “hi/story” of the festivals that marked the community apart as Jewish was instrumental. During Passover, efforts were made to integrate children into domestic rituals.⁵⁶ Adults were encouraged to play games with unleavened bread in order to ignite children’s interest in the process and its cause.⁵⁷ Teaching children to ask questions about the Seder menu was vital. The Passover family table induced a temporary equality of age and status because it allowed each participant to join the ritual regardless of age, learning, status and level of comprehension.⁵⁸ By fusing visual biography with liturgy, Moses’ prominence on the synagogue walls complemented the Passover Haggadah through lending concreteness to the absent prophet.

Children would have been everywhere during annual festivals and Sabbaths. The feast of the Tabernacles (Sukkot) required, like Passover, children’s presence and participation.⁵⁹ At Dura, the insertion of children into the sukkot-Temple dedication panel established an immediate comparison between the biblically ordained festival and Dura’s children’s own agency in sharing, learning and transmitting its principles. In a community where the biblical Temple with its great priest featured prominently on the Jerusalem-facing wall of its synagogue, the fusion of Temple dedication with the feast of the Tabernacles held a special appeal (1 Kgs 8:2).⁶⁰ It was timeless and it allowed the Durene Jews to celebrate the Sukkot procession of willows and water in a dazzling display of both their interpretation of Scripture and their cross-generational piety.

⁵⁴ Kraeling, *Synagogue*, 329–30.

⁵⁵ Chapter 2. This is clearly not the Mishnaic *eruv* as described in tannaitic texts but rather a local response to biblical dictates of Sabbath behavior.

⁵⁶ J. Kulp and D. Golinkin, *The Schechter Haggadah* (Jerusalem 2009); B. M. Bokser, *The Origins of the Seder: The Passover Rite and Early Rabbinic Judaism* (Berkeley 1984). In general, R. Langer, *Jewish Liturgy. A Guide to Research* (Lanham 2015) with useful annotated bibliography of each festivity. See also Chapters 2 and 9.

⁵⁷ T Pes 10.9, with Bokser, 80. ⁵⁸ Bokser, 81.

⁵⁹ J. Rubenstein, *The History of Sukkot in the Second Temple and Rabbinic Periods* (Atlanta 1995); H. Ulfsgard, *The Story of Sukkot: The Setting, Shaping, and Sequel of the Biblical Feast of Tabernacles* (Tübingen 1998), 7, and Chapter 8.

⁶⁰ K. W. Weyde, *The Appointed Festival of YHWH. The Festival Calendar in Leviticus 23 and the Sukkot Festival in Other Biblical Texts* (Tübingen 2004); G. Wheaton, *The Role of Jewish Feasts in John’s Gospel* (Cambridge 2015), 127–43.

Through the ephemeral booths erected on Sukkot, Jews were asked to recall the wilderness wandering of their ancestors on the way from Egypt to the Promised Land, a moment of particular poignancy in a Diaspora context. Simultaneously, the feast signaled a eschatological vision of universal pilgrimage to Jerusalem of all the gentiles left on earth (Zech 14: 16), specifically to celebrate the feast of Sukkot. The children of Dura, likely the prototypes of the children depicted in the Temple-Sukkot panel on the wall, were dressed in short white tunics, somewhat differing in the edge-decoration and in the scarf-like fabric around their necks. Each one adopted a different gesture, which creates the harmony of the painted procession. The appeal to rain which undergirds the rituals would have been as powerful in Dura, a riverine town surrounded by desert, as it was in droughty Roman Palestine. Of the children depicted on the sukkot panel, one in particular, left bottom, is still strikingly clear. He holds one arm aloft, the other bent downwards, both clutching a willow. His face bears a solemn facial expression, fully realizing the ritual significance of participating in Sukkot solemnities.

Feasts like Sukkot became a paradigm of social behavior, when children, boys mainly, temporarily ceased to be the proverbial “other.”⁶¹ Sabbath and festivals mobilized a discourse of child inclusiveness.⁶² Repeated biblical injunctions prompted fathers to tell their children about the ordained festivals through verbal recitations (Exod 10:2; 12:26–7; 13:8). Creating a “mnemonic framework” based on the Bible, Sabbath and festivals embedded the cultural memory of the biblical events within the identity mutations that Jews experienced.⁶³ Celebrating the plurality and profusion of festivals like Passover and Purim affirmed familial, communal and religious affinities.

The ingenuity of the Durene synagogue designers lies in the patent juxtaposition of the remote past and the concrete present to generate a perfect pedagogical tool. In the synagogue, children could see with their own eyes not only the heroes of the past, children like themselves, but also listen to recitation of texts and poetry. These were moments that augmented the social experience of childhood. Children could compare visuals with what they heard and learnt at home and in school. They could appreciate that the costumes that resembled their own were indeed an exact

⁶¹ Rosenblum, *Food and Identity*, 99; Laes, *Children*, passim.

⁶² Ceiling tiles depicting fish were linked by Feldman with Sabbath meals, L. Feldman, *Jew and Gentile in the Ancient World* (Princeton 1993) 509 note 99, doubted by Rosenblum, 174 note 142.

⁶³ For the expression, M. B. Spaulding, *Commemorative Identities: Jewish Social Memory and the Johannine Feast of Booths* (London and New York 2009), 71.

replica, and they could grasp the meaning of their faith beyond theological abstracts. In the complex process of transmitting religious knowledge children memorized religious practices, learnt about biblical traditions at home and at school, and nurtured their imagination from pictures serving as Scripture.⁶⁴

Conclusion: Childhood in a Roman Border Town

If you rode a camel in a caravanseraï in the year 245 CE from the coast of the Mediterranean eastward to Middle Euphrates, stopping at Palmyra, you would have eventually reached a bustling frontier town whose name betrayed its double ancestry, Greek-Macedonian and Semitic.⁶⁵ If you happened to be a student of contemporary religiosity you could have visited the town's many "Diasporic" sanctuaries, each dedicated to a different divinity brought from home, each financed by a different group of inhabitants. A follower of Greek religion would have instantly recognized cult centers of Zeus, Artemis and Apollo. A merchant from Palmyra would have been familiar with sanctuaries presided over by Bel and Aglibol. A "native" from the Syrian hinterland would have felt at home at the temple dedicated to the goddess Azzanathkona, perhaps also in sanctuaries honoring better-known oriental-Semitic deities, like Adonis and Baal-Shemanim. Had the visitor been a Jew or a Christian, she could have paid a visit to the synagogue or the house-church, feasting eyes on the panoply of biblical imagery on their walls.

The presence of a Roman garrison would have been immediately apparent.⁶⁶ Soldiers and children were everywhere. Even on the walls of the town's synagogue it was possible to behold soldiery. For Jews, the painted soldiers, be they Pharaoh's army or the Philistines, as well as the live Roman soldiers around them, would have been a reminder not only of biblical events but also of the ever-present requisition of billeting soldiers

⁶⁴ Prescendi, 73–93 for useful pointers; H. L. Kessler, "Pictures as Scripture in Fifth-Century Churches," *Studia Artium Orientalis et Occidentalis* 2 (1985), 17–31 for the expression.

⁶⁵ Excellent overview of Dura's history in *Encyclopedia Iranica* (s.v. Dura Europos) by Leriche and MacKenzie, Vol. VII, Fasc. 6, pp. 589–94. On the Sassanid conquest, presence and Dura's afterlife, F. Grenet, "Les Sassanides à Doura-Europos (253 ap. J.-C.). Réexamen du matériel épigraphiqueiranien du site," in *Géographie historique au Proche-Orient. Actes de la Table ronde de Valbonne 1985*, ed. P.-L. Gatiér, B. Helly, J.-P. Rey-Coquais (Paris 1988), 133–58; J. Harmatta and M. Pékárý, "The Decipherment of the Pharsik Ostrakon from Dura-Europos and the Problem of the Sasanian City Organization," in *La Persia nel Medioevo* (Rome 1971), 467–75.

⁶⁶ On Jewish soldiers in the Roman army, Schoenfeld, "Sons of Israel in Caesar's Service," 115–26, esp. 123 on the increase in the number of Jewish recruits from the Italian peninsula.

in civilian domestic spaces.⁶⁷ The marriage of soldiers with local women provided a lively demonstration, if one was needed, of the permeability of military and civilian zones in a frontier town.⁶⁸

Several finds from Dura can be associated with children.⁶⁹ There are feeding bottles shaped like animals, and handmade terracotta figurines of horses or horse-and-riders that probably served as toys.⁷⁰ It is not unlikely that children shared in the manufacturing of these toys as they perhaps did in the production of the large number of graffiti bearing figures of horses, carts and riders.⁷¹ Alphabets of Greek, Latin and Syriac, scratched into the walls of a number of houses in Dura, apparently designated spaces of learning.⁷² A striking figurine found at Dura shows a woman with two children, one held in her lap, the other holding her right arm.⁷³ They recall the synagogue panel featuring the widow's child. And they point to the reliance of local artists on a common local vocabulary of "mothers-and-child" or, as I prefer to name it, a fatherless family type.

Although Dura would have been full of children, only nine skeletons of children were identified and only one child, a slave of twelve, can be identified in the texts.⁷⁴ Rarely can one associate finds with gender. Possible exceptions are the beautifully carved ivory and bone dolls, objects designed to prepare young girls for their future roles as mothers.⁷⁵ In funerary contexts, bracelets and bronze bells are found exclusively with the remains of women and children.⁷⁶ Of special interest are the

⁶⁷ S. Weisman, "Militarism in the Wall Paintings of the Dura Europos Synagogue: A New Perspective on Jewish Life on the Roman Frontier," *Shofar* 2012, inspired perhaps by Schoenfeld.

⁶⁸ Pollard, *Roman Syria*, 105.

⁶⁹ The presence of children in material culture is notoriously difficult to establish, J. E. Baxter, *The Archaeology of Childhood: Children, Gender, and Material Culture* (Walnut Creek 2005) and eadem, "The Archaeology of Childhood," *Annual Review of Anthropology* 37 (2008), 159–75.

⁷⁰ Baird, *Ibid.*, 231–2; S. B. Downey, *Terracotta Figurines and Plaques from Dura Europos* (Ann Arbor 2003), 90.

⁷¹ Baird, *Ibid.*, 236–7 on toys. Cf. description of the pictorial graffiti at Dura as "casual artistry" with "spontaneity, liveliness and innocence of expression without artifice," in B. Goldman, "Pictorial Graffiti of Dura Europos," *Parthica* 1 (1999), 19–20, who also provides a comprehensive catalogue divided into seven types: 1. Equestrians (1/18 in the synagogue); 2. Hunters on quarry 0/7; 3. figures standing/reclining/seated 2/26; 4. the dedicated/signs/symbols 0/22; 5. fauna 2/19; 6. narrative/ritual 0/8; 7. miscellaneous 9/24, suggesting difficulty of classification. I have not seen references to their heights. In the synagogue some had been drawn before the pictorial reprogramming but others were added over the biblical panels.

⁷² Baird, *Inner Life*, 237. ⁷³ Baird, *Ibid.*, 238, for image. ⁷⁴ Baird, *Ibid.*, 239–40.

⁷⁵ Baird 229–31; F. Dolansky, "Playing with Gender: Girls, Dolls, and Adult Ideals in the Roman World," *Classical Antiquity* 31.2 (2012): 256–92; M. Harlow, "Toys, Dolls, and the Material Culture of Childhood," in *The Oxford Handbook of Childhood and Education*, 322–40.

⁷⁶ On bells in a sepulchral, as well as liturgical, context, A. S. Pease, "Notes on Some Uses of Bells among the Greeks and the Romans," *HSCP* 15 (1904), 29–59, esp. 46–8 on bells as amulets for the protection of the deceased against evil from without.

nude female figures attached to earrings.⁷⁷ They, like the dolls, would have provided the prototype for the physiognomy of the naked princess on the panel depicting Moses' infancy.

Within this slim record of childhood in Roman Dura, the painted children of the synagogue provide the richest trove of information regarding children in town. At Dura, projected orthodoxy seemed coupled with onomastic ambiguity. We do not have the name of a single living Jewish child. Paintings in a non-Jewish context, such as that of Conon and his family from the temple of Bel, give a sense of hierarchy within the family and the role of sacrifice as a generational coalescence.⁷⁸ We may need to rethink the categories used to probe dialectics of identity and alterity, and of diasporas and de-globalism.⁷⁹ Were Dura's synagogue children miniature adults, to paraphrase Ariès' famed concept of pre-modern childhood?

On the walls of the synagogue we can follow the developmental stages of childhood, from birth (Moses) through infancy to adolescence, each representing a network of relationships, familial and communal. Were Moses, Isaac, the widow's child, Esther and David fictional characters, caught between myth and its theoretical interpretation? I think not. Even if they are unrivaled it is still possible that their Durene viewers amused themselves by role playing. Synagogue spaces were not necessarily spaces of somberness alone. They could provoke laughter and merriment. By effectively arousing curiosity the painted children aroused their Durene descendants to strive for the good of their creed and community.

⁷⁷ Baird, *Ibid.*, 222, 225. ⁷⁸ Baird, *Inner Lives*, 217.

⁷⁹ Echoing M. Sommer, "Dura Europos in a De-Globalising Roman Empire," *Mediterraneo antico* 10 (2007), 85–94. See also idem, "Dura-Europos ed il medio Eufrate. Osservazioni su diaspora e costruzioni di identità culturali nella Mesopotamia parto-romana," *Mediterraneo antico* 7 (2004), 837–57; and idem, "A Map of Meaning approaching Cultural Identities at the Middle Euphrates (1st to 3rd centuries AD)," *Egitto e vicino Oriente* 27 (2004), 153–83.

PART III

Autobiographies

Preface

The following four chapters each consist of two parts; the first is an autobiography, a piece of creative nonfiction which expresses my conviction that no sober analysis in traditional academic manner can convey what it was like to be a Jew of tender age in the Roman world. The second part unfolds the basis on which I wrought the narrative, along conventional scholarly lines.

Granted, in recreating these autobiographies I intertwined data with imagination. How “authentic” is the voice of the children represented is impossible to gauge. Our own perception of childhood has undergone a dramatic metamorphosis.¹ We now recognize that in affluent and privileged society a child is a “treasure,” while in poor societies a child is an economic asset, a source of income and an insurance policy for parental old age.

Should readers find it wanting that I do not indulge in sober speculations regarding the language that the children would have used in oral or written communications, or that I grant children familiarity with contemporary politics, or that I allow them a presence of mind in dire moments, I crave indulgence. Scarcity is often the mother of inventiveness and nowhere more so than in the case of children. I urge my readers to visit the International Museum of Children Art in Oslo to see with their own eyes the limitless imagination of children and their astonishing capacity to express their sentiments, experiences and desires in multimedia.²

Some may be distracted by details, or rather by their absence. I cannot state with any degree of accuracy where the children who speak here got the quill, the writing material, the ink and even the light (in a dark cave) to compose a diary. Nor do I consider such details crucial. Anyone interested in writing implements, where they were obtained and their cost, can peruse with profit Catherine Hezser’s magnificent study of literacy.³

¹ V. A. Zelizer, *Pricing the Priceless Child. The Changing Social Value of Children* (Princeton 1994).

² www.barnekunst.no/en/about-museum/.

³ *Jewish Literacy in Roman Palestine*, Tübingen (2001).

By selecting and organizing the sources, I appropriate a role for children in an incontestably male-dominated society. To study a child's behavior in society entails an emphasis on deference and submission on the part of children vis-à-vis adults, particularly their male elders. This is what a straightforward reading of the sources suggests. But texts can also be read along a drastically different interpretative grid. In this part, specific children become heroic individuals, accredited with intelligence, capability and memory. Time has come to venture further afield, to envision children not only as a byproduct of a genre but as figures beyond the impossible.

The four locations selected plant children around the Mediterranean, from Roman Arabia to Roman Minorca, and from Antinoopolis in Egypt to Ostia in Italy. This is deliberate. Beyond the homeland which became Roman Palestine, evidence for Jewish life is widespread. There were vibrant communities in Parthian-Sassanid Persia, in Asia Minor, and in many other places which have been documented primarily through inscriptions. These raise theoretical difficulties when attempting to generalize at the risk of simplification. The four children of the second part present localities, timeframe and ways of growing up Jewish in areas where the data seemed sufficient for recreating a viable context.

I do not follow the child protagonists beyond childhood and adolescence. I cannot tell whether they grew up "rabbinic" or non-rabbinic, whatever these terms may indicate beyond the land of Israel and Sassanid Persia. Nor would I qualify my approach as psychologizing and neurocognitive, impressive and fashionable as these are now.⁴ But I tell their story in the first person, even though some may believe that such narratives would work better as a third-person short story, thereby ensuring the appropriate distance between fiction and "reality." Let them ponder how the child-speaker knows what s/he does, and in what language s/he conversed and dreamt.

My goal is to emphasize how growing up was modulated in a variety of parameters, linking together material culture, education, training, local customs, religious traditions, familial concerns, national resurgence, militarism, persecution, but also aspirations and hopes. My talking children may appear to propound a paradox. I allow them to play the other in a society that, according to Christian Laes, viewed children as the foreigners within, as the very embodiment of society's proverbial otherness.

⁴ Put, to much applause, by J. Fried, *Charlemagne (Karl der Grosse). Gewalt und Glaube*, translation of the 2014 original) (Cambridge MA 2016).

Sukkot in a Cave (135 CE)

The narrator in this chapter is a child whose name, Jesus (Iesous), is recorded in legal documents and not, as is often the case, on a tombstone marking a child's death. He is a young member of a Jewish family with a short yet probably not atypical history, a son of a mother who delighted in litigation and who, fortunately for us all, jealously guarded the legal documents that had bearings on their family life. Jesus was born in the Roman province of Arabia (annexed to the empire in 106 CE) in a village (Mahoza) on the south bank of the Dead Sea. Jews had settled there probably in the aftermath of the Jewish revolt against Rome (66–74 CE), when the then-Nabatean kingdom of Arabia, which bordered the turbulent Judaea, offered a safe haven from Roman reprisals.

Amid dozens of documents recovered from the so-called Cave of Letters and from other Dead Sea caves where Jews hid for fear of the Romans, only a handful refer to children.⁵ Children feature in marriage contracts (*ketubot*), which included “children clauses” indicating the bridegroom's obligation to maintain future children born in wedlock.⁶ And they surface in documents relating to properties inherited by minor orphans. Jesus' mother, Babatha, was sued for appropriating crops from a property bequeathed to the orphaned children of her brother-in-law (by her second marriage). A woman named Julia Crispina represented these orphans, whose name and age were not recorded.

Only one child is named in the documents recovered from the Judean desert caves: Jesus, son of Jesus and Babatha. We know a great deal about his family but not his age, which was not recorded anywhere in the

⁵ All references to the papyri are according to N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri* (Jerusalem 1989) and Y. Yadin et al. (eds.), *The Documents from the Bar Kokhba Period in the Cave of Letters. Hebrew, Aramaic and Nabatean-Aramaic Papyri* (Jerusalem 2002), unless otherwise stated. The Babatha archive is conveniently available online at <http://papyri.info/ddbdp/p.babatha> – without, however, a translation.

⁶ Chapters 2 and 4.

documents. His hi/story coincided with a major Jewish revolt against Rome, led by Bar Kokhba (132–135 CE).⁷ When the rebels were defeated, Jesus and his mother sought refuge in one of the caves overlooking the village of Ein Gedi. This is where, in all likelihood, they perished, two of the countless casualties of a failed rebellion.⁸

The Diary of Jesus son of Jesus and Babatha

Tomorrow I will die. You may ask how I can be in possession of such a grim predication? Simple. I am the last child left in our cave.⁹ All the other children have been buried, each with a brief ceremony. A few men tried to leave the cave last night. I do not know whether they managed to avoid the watchful eyes of the Roman sentinel right above our cave. Perhaps they made it back to Ein Gedi or maybe they died in the attempt. I am too weak to crawl out and ascertain their fate. Mother, too, is gone. Only one other person is left, a woman of mother's age who lost her little girl to hunger and thirst. There is no more food or water. Before she died, mother told me that dying for God and Liberation is heroic. She said that like the children in the story of the valiant Maccabean mother, commemorated every Hanukah, I, too, will be remembered as a martyr with a rosy afterlife. I am not sure, however, that I am ready for such a transition.

We never imagined that the cave would turn from a place of safe asylum into a cemetery. Five Sabbaths ago we celebrated Sukkot (feast of the Tabernacles/Booths) in a small sukka (booth) that we had constructed right atop the precarious ledge in front of our cavernous cave, just as our ancestors had done in the Exodus desert.¹⁰ They probably had a sandy

⁷ For reconstructed chronology of the revolt in conjunction with the Judaeen desert documents, H. Eshel, "The Dates used during the Bar Kokhba Revolt," in *The Bar Kokhba War Reconsidered*, ed. P. Schäfer (Tübingen 2003), 102–3.

⁸ Dio Cassius, 69.14.3 asserting that 985 Jewish villages were destroyed and nearly one million lives lost.

⁹ According to Y. Yadin, *The Finds from the Bar Kokhba Period in the Cave of Letters* (Jerusalem 1963), 34, of seventeen skulls, six were of children, eight of females aged 15–30, and three of males between fourteen and forty years old. Cf. the identified skeletons found in the "cave of horrors," the majority likewise were women and children whose bodies showed no signs of violence, suggesting that a number of the men left the cave in spite of the dangers from both watchful Romans and the hostile landscape, Y. Aharoni, "Caves of Nahal Hever," *Atiqot* 4 (1961), 148–62; idem, "Expedition B-The Cave of Horror," *IEJ* 12 (1962), 186–99. Note, however, Satlow, *Jewish Marriage*, 303 note 39, rejects the proposition that any of the bones found in secondary burials would have been those of either Babatha or Jesus.

¹⁰ On counting weeks according to Sabbaths, R. Katsoff and B. M. Schreiber, "Week and Sabbath in Judaeen Desert Documents," *SCI* 17 (1998), 102–44; in general on Jewish counting of time, S. Stern, *Calendar and Community. A History of the Jewish Calendar 2nd Century BCE–10th Century CE* (Oxford 2001), passim.

plain rather than a treacherous footpath on which to build their booths. Yet it was a moment of elation and hope. We planned to leave the next day. Time to return home, we believed. That night the Romans arrived in force and everything changed. We could no longer leave without risking their deadly arrows.

So much time is spent in the dark in our cave that it has been difficult to keep track of the passing days. In the beginning it was exciting, at least for us children, to live in a desert cave so different from our comfortable and well-lit homes back in Mahoza and Ein Gedi. We explored, we looked for secluded niches to hide our treasures and we watched the occasional soldier of the enemy as he stumbled along the dry riverbed below, never thinking of looking up at us. From the opening of our cave we could even see Ein Gedi down below and the Dead Sea in all its glory. On a clear day I used to pretend that I could see all the way to Mahoza, where my father and his family had lived for decades and where I was born and raised.

My name is Jesus (Yeshua) and I am writing down these words on the fourth year of our Liberation. In a few Sabbath-weeks, I would have completed the twelfth year of life, reaching the age at which, according to a sage man I met in Ein Gedi, I would have been obligated by all the commandments of my faith.¹¹ Jesus is a popular name, right out of Scripture. I only wish that like the biblical conqueror of the Promised Land, I, too, could lead other children to victory over the Roman occupiers of our land. I was born in the province of Arabia sixteen years after the emperor Trajanus eliminated the Nabatean kingdom whose rulers had been so kind to my ancestors (122 CE). My father was Jesus son of Jesus, grandson of Joseph-Zaboudos. In every generation, father's family boasted a Jesus and a Joseph.¹² My mother was named Babatha, daughter of Simon, son of Menachem and of Myriam, daughter of Joseph.¹³ Babatha is a strange name for a Jewish woman, but I like it and so does she. It has a nice sound to it, as though one gratefully imbibes water after a parched day in the desert. She and father were born in Mahoza. I barely remember

¹¹ On the late Talmudic origins of age thirteen as age of commandments, Gilat, "Thirteen Years Old," and Chapter 1.

¹² M. O. Wise, *Language and Literacy in Roman Judaea. A Study of the Bar Kokhba Documents* (New Haven 2015), 187 attaches a second brother (in addition to "Uncle Joseph"), Jacob son of Jesus, Babatha's "lord" (*adon*) of P Yadin 17, lines 40–1 of 128 CE, following Lewis' tentative reconstruction, 25 note * (which contains a typo), an attractive suggestion that complicates even more the scenery. If the orphan's father had not one but two brothers, why was it necessary to appoint two guardians for the orphaned son of a third brother?

¹³ Wise, 187, endows Babatha with no fewer than five siblings but this doubtful. In Lewis' reconstruction (p. 25), she is an only child.

father. I am sure that he attended the ceremony of the “week of the son” when I was named and circumcised. It has become extremely dangerous to administer circumcision since emperor Hadrianus – may his bones be turned to dust – imposed a strict prohibition on circumcising all Jewish baby boys. I do not understand why he cared whether we were circumcised or not, but I was told that this ban ignited the rebellion that brought mother and I to this cave.

I had barely completed the second year of my life when father died.¹⁴ Mother told me that he contracted a disease that was widespread in our region and sent many to an untimely death.¹⁵ Luckily, neither she nor I contracted it. Poor father had no chance to write a will on his deathbed, nor did he have the foresight to write one as soon as I was born. This omission caused mother endless trouble. Father’s family was quite rich. In Mahoza, he and my great-uncle Joseph owned palm groves, vine orchards, olive trees, factories and water rights. Mother, too, inherited lands there from her family. I especially loved the dates which sprang from our soil – they were very juicy, sweet and flavorful.

Soon after father passed away, Judah son of Eleazar Khthousion came into our lives. I traveled with him and mother to Petra, the beautiful capital of our province, to attend a session of the city council in which two guardians were appointed to oversee my inheritance and to ensure that mother has sufficient funds for my upbringing. In the document confirming their appointment I am mentioned by name and labeled a “Jew.” According to mother, “Jew” referred to the province, Judaea, where my family had come from.¹⁶ The council, said mother, distinguishes between our Judean family and the families of my two guardians, one a native Arabian-Nabatean, the other a Jew from Mahoza. Before I turned five, mother, Judah and I also traveled to another important city of our province called Rabat Moav (Areopolis), where mother had to declare her properties for the provincial census. I learned the word “tax” for the first time when mother explained to me the reason for this journey.

¹⁴ Over one third of Roman children lost their fathers before puberty, and another third by the time they reached twenty-five, W. Scheidel, “The Demographic Background,” in *Growing Up Fatherless in Antiquity*, ed. D. M. Ratzan and S. R. Hübner (Cambridge 2009), 32 [31–40]; Saller, *Patriarchy*, 189. It was therefore not unusual for children to be left with their patrimonies before they were regarded as mature enough to manage them.

¹⁵ W. Scheidel, “Germs for Rome. Ten Years after,” in *Les affaires de Monsieur Andreau: économie et société du monde romain*, ed. M.-L. Haack, F. Lerouxel (*Scripta antiqua* 61) (Bordeaux 2014), 331ff.; idem, “Germs for Rome,” in *Rome the Cosmopolis*, ed. C. Edwards and G. Woolf (Cambridge 2003), 158–76.

¹⁶ Williams and Mason for varying interpretation of term.

From the start, Judah and my guardians did not get along. Even I was aware of it when John Eglas, my Jewish guardian who was also our neighbor, no longer allowed his children to play with me in our courtyards. Judah helped mother to file summons against John and then against both him and my Nabatean guardian, claiming that they mismanaged my affairs.¹⁷ Later I learned that Judah himself was regularly borrowing money from Jews and gentiles alike. Just before he moved from his home in Ein Gedi to Mahoza he had borrowed money from a Roman soldier. Mother kept a copy of his contract because he borrowed from her to pay off this loan.¹⁸ Judah also borrowed a hefty sum from mother to pay for the dowry of his daughter.¹⁹ I am not sure that he ever repaid her. Although mother was never taught how to read or write, she was meticulous about commissioning copies of every single deal or decision that touched on the affairs of our family. She kept the receipts which recorded the payments made by my guardians toward my maintenance. I never lacked food or clothing when we lived in Mahoza, although mother and Judah intended to prove that these payments fell below the expectations of what was due to my situation.²⁰

When I entered my fifth year of life, mother engaged the services of tutors for me.²¹ They taught me how to read and write in both Aramaic and Hebrew. Mother also employed a tutor to teach me the Torah so that I would be able to familiarize myself with our traditions and with the commandments that every adult Jew must follow. She was determined to give me the education that she never received herself. She fully understood the value of education and paid my teachers well, although as we all know, the teaching profession rarely entails a decent remuneration.²² Slowly

¹⁷ P Yadin 13–15, 124–125 CE. ¹⁸ P Yadin 11, 124 CE. ¹⁹ P Yadin 17, 127 CE.

²⁰ The outcome of Babatha's suit against the guardians is unclear. Perhaps the governor ordered the original sum to be doubled, T. Chiusi, "Zur Vormundschaft der Mutter," *ZSS RA* 111(1994), 185, and eadem, "Babatha vs. The Guardians of Her Son: A Struggle for Guardianship – Legal and Practical Aspects of P. Yadin 12–15, 27," in *Law in the Documents of the Judean Desert*, ed. R. Katzoff and D. Schaps (Leiden 2005), 105–32; perhaps Babatha lost her case and Jesus continued to receive the amount originally set (Lewis 1989, 116). Be that what it may, she could certainly afford to make up the differences out of her own considerable funds, as her census-tax declaration shows (P Yadin 16.)

²¹ Little is known of the education dispensed to children (boys, to be precise) in the provinces where Jews lived. Hezser, *Literacy*, 40–68, esp. 59, insists on the home as a prime, if not sole, context, of educating children, at least during the Second Temple and tannaitic period (c. 400 BCE–200 CE) where the father would have the task of teaching Torah to his (male) children. The range of education depended on familial economic means, and Babatha could have easily afforded to hire several tutors to her son. Chapters 2, 3 and 4.

²² I. Gafni, "On the Education of Children in the Talmudic Era: Tradition and Reality," in *Education and History. Cultural and Political Contexts*, ed. R. Feldhay and I. Etkes (Jerusalem 1999), 63–78 (Heb) on poorly paid teachers in both Jewish and non-Jewish realms. BT Taanit 24a records a man

I learned how to write. I never achieved the facility of a scribe but my Aramaic and Hebrew lettering was better than the “crooked, ungainly and disproportionate” writing of Eleazar, son of Eleazar, son of Hitta (Hayyata), our Mahozan neighbor who later also ended up in Ein Gedi.²³ It was believed that Eleazar’s Greek was better than his Aramaic. I am no judge of these matters.

Not far from Mahoza, in Zoar, the main town of our region, a man from Alexandria opened a Greek school.²⁴ Mother sent me there three times a week with a slave appointed to look after me, as did other parents from Mahoza. It was only a short donkey ride there and back. She realized that it was important to possess a working knowledge of Greek, especially for children who one day will become men of property and likely to find themselves in law courts where everything was conducted in Greek. She was, as usual, correct. Nearly all the documents that she treasured throughout her life were in Greek. Had I stayed in the Greek school, I would have probably ended up as a city magistrate with a strong commitment to justice, honesty, friendship, courage and wisdom.²⁵ Mother even contemplated hiring a Latin tutor for me but she could not find anyone capable of teaching that language.

In my village most men, Jews and Nabateans alike, were well-versed in Greek. They understood and could even read legal documents, which was really not that difficult once you got their drift. Yet, when serving as witnesses to contracts or summons, they preferred to sign their names in Aramaic, as though by this choice of language they wanted to state their identity as non-Greeks.²⁶ A few in our village knew Greek really well.

who boasted that he is a teacher of young children, poor and rich alike, since he takes no fee from anyone who cannot afford to pay, suggesting that this was a rarity rather than a widespread practice.

²³ Wise, *Language and Literacy*, 3; 355: “scrawled his chicken scratches, inelegant as a child’s.”

²⁴ F. Millar, *The Roman Near East* (Cambridge MA 1993), 524, insists on the widespread diffusion of Greek throughout the eastern provinces, a state that hints at a widespread network of schools where Greek could be acquired. Cf. Hezser’s *Literacy*, 90–4 on Greek among the Judaeans upper class before 70 CE.

²⁵ These were the values inculcated through Hellenistic and Roman *enkyklios paideia*, T. Morgan, “Ethos: The Socialization of Children in Education and Beyond,” in *A Companion to Families in the Greek and Roman Worlds*, ed. B. Rawson (Malden 2011), 504–20, esp. 512ff. See also W. A. Johnson, “Learning to Read and Write,” in *A Companion to Ancient Education*, ed. W. M. Bloomer (2015), 137–48; and I. G. Marcus, *Rituals of Childhood. Jewish Acculturation in Medieval Europe* (New Haven 1996), 35–46.

²⁶ Until 132 all the surviving papyri linked with the Cave of Letters and Wadi Hever were composed in either Greek or Aramaic. The turning point clearly emerged with the new regime in Judaea that aspired to replace not only the Roman administration but also its language. Between 132 and 135, the papyri from Murabbaat, Herodium and Hever were drawn in either Hebrew or Aramaic (two Greek exceptions), Wise, 369–72 for a list and discussion of literacy.

Germanos even became a professional scribe and was handsomely paid to make copies of important documents.²⁷ I knew him well. He was the author of many of mother's documents.²⁸ He wrote beautifully in Greek, although rumor had it that his grammar was rather shaky. Germanos had a special place in my short history – he drew for mother the last receipt which she issued to my Jewish guardian, Simon the hunchback, son of John Eglas.²⁹ Simon, as his name indicates, had a deformity, which he carried with dignity. Before the troubles began, mother and I attended the wedding of Selampious, the ward of Simon's father, who married a man named Aqabas.³⁰ I enjoy wedding festivities. I assisted at mother's own wedding to Judah, where Judah himself wrote their *ketubah*, and I also attended the wedding of Judah's daughter, my stepsister Shelamzion. Like her parents and her groom, Shelamzion hailed from Ein Gedi but celebrated her wedding feast in Mahoza in the spring, after mother and Judah's wedding.³¹ I am not sure why the marriage contracts were drawn in two different languages for members of the same family.

The streets and courtyards of our village were full of children playing together and chatting in all languages. This is what I miss most in our cave – playing in natural light, having the sun shining directly above my head, and taking part in the incessant chatter of children my age engrossed in playing or learning. My favorite playmates were Myriam and Alexandra, daughters of the scribe Theenas, son of Simon. They knew Greek well, although teaching daughters how to read and write in Greek raised a few eyebrows even in our village. The girls and I used to organize weddings in which they were my brides and the neighborhood boys acted as witnesses, signing their name with great flourish on an invisible *ketubah*. By the time girls had their first period we could no longer play together. In the cave, however, there was little room for privacy. I had to turn my back as mother got dressed and undressed, and we all knew when the girls and the women were menstruating.

At Mahoza I had a pet, a cat named Jezebel after the notorious Sidonian wife of King Ahab. It was really mother's cat but we shared it. Jezebel was

²⁷ Germanos executed copies for both Jewish and Roman clients, signing occasionally as *librarius*, a title possibly linked with the services he rendered as a bi- or multilingual scribe to the Roman army unit stationed in Mahoza until summer 130, Lewis, 88. M. Goodman, "Babatha's Story," *JRS* 81 (1991), 170 [169–75], suggests that he was then dismissed. On scribes, see the detailed discussion of C. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen 1997), 467–75, who also draws attention to the doubling of scribes as teachers of children.

²⁸ P Yadin 20–7. ²⁹ P Yadin 27, 132 CE.

³⁰ XHev/Se 69 (130 CE, Greek), Cotton/Yardeni, *DJD* 27 1997, 260.

³¹ P Yadin 10, 125–128 CE, Aramaic; P Yadin 18, 128 CE, Greek.

rather large, being fed by mother, by her maid, as well as by me. When we moved to Ein Gedi, Jezebel stayed behind with Theenas' daughters. We missed her, especially in the cave. She would have amused mother, who had to get used to chores, like washing and cooking, which she had never before performed without her maids. I am hoping that on my tombstone I will be seen embracing Jezebel.³²

Mother was widowed for the second time in my eighth year of life (130 CE). She was saddened but she had no time for prolonged mourning since she faced a legal battle over Judah's inheritance. I know that mother and Judah's first wife disagreed about their rightful share in his household assets.³³ Nor did mother see eye to eye with the guardian and the representative of Judah's nephews who, like me, lost their father in their childhood.³⁴ Amid all this litigation, in late summer of my ninth year, mother took me to the ceremony celebrating the reunion of our neighbors Salome Komais and Jesus, son of Menachem, who had already been living together as husband and wife, as everyone in the village knew.³⁵ It was rumored that the wedding had been delayed because Salome waited for the proceeds from the sale of the crop of the date orchard that her mother, Salome Groppte, had given her so that she would be able to present Jesus with a sizable dowry. Her wedding was the last time that children, adults and their guests came together to eat, drink and make merry in Mahoza.

In my tenth year, we moved to Ein Gedi for two reasons, neither of which made much sense to me. Mother met Eliezer son of Samuel of Ein Gedi during one of his business trips to Mahoza and they decided to set up a common household. It was difficult enough to get used to another man in our life, but Eliezer insisted on returning to Judaea and mother insisted that I move with them. I proved more resistant than expected. Eliezer talked of preparing for a rebellion against Rome and about his desire to be a part of a Jewish uprising against the Roman oppressors. They were going to reclaim Jerusalem as the capital of an independent Jewish state, he told us, just as the Maccabees had done in the days of King Antiochus. In the end, love and patriotism won over and mother ordered her maids to pack as much as was needed for a few months, maybe a year. She told me that as

³² Cf. a child's funerary stele holding a cat in its arms now in Bordeaux, Musée d'Aquitaine, inv. No. 60.1.268, with L.-A. Calliat, "Une stèle de Montceau-les-Mines montrant un chat domestique," *Gallia* 11 (1953), 85–9, fig. 4 (first/second cent.). In general, F. D. Lazenby, "Greek and Roman Household Pets," *CJ* 44 (1949), 245–52 and 299–307.

³³ P Yadin 26, 131 CE.

³⁴ P Yadin 23–4 with Lewis, 107, on the complexities and obscurities of the matter raised in these documents.

³⁵ P Yadin 37=P. Hever 65, 131 CE.

soon as the Romans left Judaea, we would be back in Arabia. This is why she carried her documents on her own body, ready to submit them promptly upon returning home.

Ein Gedi is a beautiful village, considerably bigger than Mahoza and famous for cultivating the much-coveted balsam. Even Roman emperors possessed extensive landed properties there, guarded by a small unit of the Roman army. The centurion from whom Judah had borrowed money was no longer in Ein Gedi when we moved there. He and his unit had left for another post.³⁶ Although both Mahoza and Ein Gedi were established on lands adjacent to the Dead Sea, they were not at all alike.³⁷ Each village belonged to two different administrative units, each with its own provincial governor and army, although traffic between the two provinces (Judaea and Arabia) was constant and unhindered by provincial boundaries. Unlike Mahoza, Ein Gedi was entirely Jewish. Some residents in Ein Gedi even had the *Shemah* prayer (Deut. 6:4–9) inscribed in full on their doorposts at the entry to their homes.³⁸ I doubt if anyone in Mahoza would have commissioned a similarly inscribed pillar. Our Jewishness was not advertised to the street back home. Our synagogue was a room that my grandfather set aside for communal use with an adjacent study space for us children to learn the Torah. At Ein Gedi I heard Hebrew everywhere: in the synagogue, when adults were discussing their affairs and in the streets even among children. At Mahoza, you could hear Aramaic, Nabatean and Greek, maybe even the occasional Latin, but not Hebrew.

Residents in Ein Gedi were committed to a new Jewish state. They felt that they were the Maccabeans of our time, hoisting the flag of freedom against gentile rulers. By orders from Bar Kokhba, leader of the anti-Roman movement, they had planned ahead even to the point of equipping hiding complexes in the nearby desert with provisions needed to stay in hiding in emergencies. Children, too, participated in these enterprises. Agile boys like myself climbed the steep and narrow paths that led to refuge caves near Ein Gedi, carrying on our backs the objects that were to be

³⁶ On the location and movements of the army unit to which the greedy centurion belonged, B. Isaac, "The Babatha Archive. A Review Article," *IEJ* 42 (1992), 62–75, tracing it from Ein Gedi to Hebron by 128, with H. Cotton, "Ein Gedi between the Two Revolts," *SCI* 20 (2001), 149; and eadem, "Courtyard(s) in Ein-Gedi: *P. Yadin* 11, 19 and 20 of the Babatha Archive," *ZPE* 112 (1996): 197–201. For a different opinion, G. Davies and J. Magness, "Was a Roman Cohort Stationed at Ein Gedi?" *SCI* 32 (2013), 195–9, ultimately unconvincing.

³⁷ E. A. Meyers, "Diplomatics, Law and Romanization in the Documents from the Judaean Desert," in *Beyond Dogmatics: Law and Society in the Roman World*, ed. J. W. Cairns and P. J. du Plessis (Edinburgh 2007), 53–84.

³⁸ As did a Palmyrene Jew at an unknown date, *IJO* III. Syr 44, pp. 70–3.

stored in them. It was dangerous and challenging. I never dreamt that one day I would die in one of these caves.

Only a few months after mother and I joined Eliezer in Ein Gedi, Bar Kokhba, now officially our *nasi* (prince), launched operations in late summer (132 CE) to clear Judaea of Romans and of idolatry. In less than two years nearly all of Judaea was in the hands of Bar Kokhba's followers. Only Jerusalem remained in the hands of the 10th Legion, but not for long, as we all hoped. Even I was caught in the excitement that these early successes engineered. Mother, Eliezer and I planned to make a pilgrimage to the city of David once our warriors recaptured it. Ein Gedi became a hub of activities designed to augment the national Jewish treasury. To tell the truth, we did not see much military action. What we did see was the quick seizure of imperial money and imperial lands by Bar Kokhba's administrators at the start of operations. Eliezer told mother that these steps were needed to provide new business opportunities for local residents, like himself, who were quick to sign lease agreements of confiscated plots which, in turn, they subleased to others for more money.³⁹ Eliezer and other men of Ein Gedi had been also entrusted with the task of organizing Bar Kokhba's finances to cover much-needed expenses. They had to collect as much Roman money as they could by whatever means and turn it into Jewish money. I took part in the process of conversion by carefully erasing all trace of the imperial portraits that had been struck on the coins. As I was gently chiseling these out, I marveled at the beautiful coins that commemorated the emperor's passage through our land. They showed Hadrianus – may his bones turn to dust – accepting the submission of a woman, clearly marked as Judaea, and her children. Eliezer told me that these coins did much to galvanize the rebellion. Now instead of emperors and gods, our money bears Hebrew lettering and Jewish symbols and even the façade of our Temple, although I am not sure whether this was the Temple yet to be built or the one which the Romans destroyed (in 70 CE), a marvel that only the most elderly of Ein Geditans had seen with their own eyes. I still have one of these coins in my pocket. It bears the four species of my favorite feast of Sukkot, reminding me of the last time we celebrated it.

Bar Kokhba, our *nasi*, kept sending letters to the men of Ein Gedi.⁴⁰ In one letter his agent, who did not even know how to write in either Aramaic or Hebrew, ordered us, in Greek, to collect and dispatch to his

³⁹ P Yadin 42–3.

⁴⁰ L. Doering, "Documentary Letters from the Bar Kokhba War," in idem, *Ancient Jewish Letters and the Beginnings of Christian Epistolography* (Tübingen 2012), 58–80.

camp the four species, namely palm branches and citrons, as well as myrtle branches and willows, and to ensure their correct tithing.⁴¹ I suspect that Bar Kokhba planned a huge celebration of Sukkot just as it had been done in the days of Ezra and Nehemiah, when Sukkot signaled the renewal of the covenant that God made with our people.⁴² Bar Kokhba also introduced new standards of celebrating the Sabbath.⁴³ Absolutely no kind of work or carrying of items out of one's home were allowed. The Sabbath became a regular public demonstration of our bond with the faith of our ancestors. At Mahoza, the Sabbath was celebrated privately in our homes. In Ein Gedi, during the years of our liberation, the entire community was expected to share a Sabbath meal, with the women toiling for days ahead to prepare the communal meal.

After the demand for the four species came complaints. Bar Kokhba wrote that we in Ein Gedi "sit idle, eat and drink at the expense of the properties of the whole of Israel without giving a single thought to our brethren."⁴⁴ This letter's recipients were ordered to secure the fruit cargo off the boats that docked at our village and to send it promptly to his camp, where others, especially children, lacked what we had plenty of, namely food. I knew well the two men, Yonathan son of Bayan, and Mesabala, whom Bar Kokhba had appointed to administer the territories of Ein Gedi, since both often conferred with Eliezer. I listened to their discussion following another letter in which Bar Kokhba demanded more food, referring to the acute need of twenty newly born babies in his camp.⁴⁵ I could not begin to imagine what it was like for children my age to live in a military camp in the middle of a war.

In the third year of our liberation, the twelfth year of my life, I began to realize that matters were not going as well as we had hoped. The telltale sign was when Bar Kokhba, in addition to his food requisitions, issued threats about sheltering his enemies – not Romans but Jews who refused to join him.⁴⁶ He also demanded new recruits from Ein Gedi, young men who were not much older than myself, since he expected us, youths of all ages, to contribute to the war effort against the Romans.⁴⁷ We also heard

⁴¹ P Yadin 52. Y. Adler, "The Temple-Willow Branch Ritual Depicted on Bar Kokhba Denarii," *Israel Numismatic Journal* 16 (2008), 29–133.

⁴² On the significance of Sukkot during the revolt, H. Lapin, "Palm Fronds and Citrons: Note on Two Letters from Bar Kosiba's Administration," *HUCA* 64 (1992), 111–35; S. Bergler, "Jesus, Bar Kochba, und das messianische Laubhüttenfest," *JSJ* 29 (1998), 143–91; and Spaulding, *Commemorative Identities*, 66f.

⁴³ W. Horbury, *Jewish War under Trajan and Hadrian* (Cambridge 2014), 368–73 on "piety" in the letters, specifically the instructions that link to the Sabbath and Sukkot.

⁴⁴ P Yadin 49. ⁴⁵ P Yadin 51. ⁴⁶ P Yadin 54–5. ⁴⁷ P Yadin 56.

stories about a famous sage named Akiva who proclaimed our *nasi* as the messiah, hoping that this proclamation would sway every Jew to join Bar Kokhba. Mother was dubious. She told me that Bar Kokhba was not even remotely related to the house of David from which the real messiah was destined to come. Still, I liked the stories about the sage's life and how, when he already fathered a son, he used to attend school with his little boy, both painstakingly writing down the letters of the alphabet.⁴⁸ The elder ended up mastering the entire Torah. I have no idea what happened to his son.

One day a scout came running. "The Romans are coming," he cried. Mother grabbed me, a few clothes, and the documents that she never parted with, and we started walking into the desert toward the caves which had been prepared long ago for hiding.⁴⁹ Shelamzion, my stepsister, her mother, Miriam, and several neighbors from Mahoza who, like us, had left Arabia for Judaea followed us. We had been informed of the terrible slaughter at Bethar (Beththera) where Bar Kokhba's army was defeated a few weeks before. But we had not imagined that the Romans would get to our part of the province so quickly. And we believed that once the storm of rebellion subsided and the Romans realized that our village had been vacated, they would leave us alone. This was a mistake that was going to cost us our lives.

On the fourth year of the Liberation of Israel (135 CE), on a hot day in late summer, we reached our cave. It was so deep that it contained three large rooms.⁵⁰ Mother, Eliezer and I were allocated a section in the inner third chamber, which was fairly far from the cave's entrance and the outlook post which even the children were required to man. We had to sleep on mats rather than the comfortable beds to which I had been accustomed. Our relative isolation suited both mother's modesty and her secrecy. I do not mean that she was a person who hoarded secrets but she clung to her documents and kept looking for a secret place to store them safely. I helped to sort them out according to their subject matter: my guardianship, *ketubbot*, deeds of landed properties and sales of movable items. It took a while because of the poor light in the cave and because papyri can be brittle. Most of them were double documents, which meant that they were written twice, once on each side of the papyrus, with the upper part rolled and tied with knots and each witness signing his name

⁴⁸ ARN A 6 (Schechter) (on Akiva) Hezser, *Literacy*, 126ff.

⁴⁹ H. Eshel, "Why did Babatha flee to the Cave of Letters?" in *New Studies on the Bar Kokhba Revolt*, ed. H. Eshel and B. Zissu (Ramat Gan 2001), 105–9 (Heb).

⁵⁰ Y. Yadin, "Expedition D – The Cave of Letters," *IEJ* 12 (1962), 227–57 for description and plan. Lewis, 3f.

next to the knots. These precautions were taken to ensure that the documents would not be tampered with.

Eliezer and I read each document aloud for mother and she told us to which bundle they belonged. These documents were milestones in the history of my family, going back to the years following the revolt against Nero and the move to Arabia nearly two generations before my own birth. One document, in Nabatean, recorded the purchase of a palm grove by my grandfather, mother's father, in our beautiful village. His name was Simeon son of Menahem. The grove was in an especially advantageous location, right next to the royal Nabatean grove. Mother still owns it, at least on paper. My favorite document was the one recording my own name, the orphan Jesus.⁵¹ The original was stored in Petra in the temple of Aphrodite. I asked mother about Aphrodite. She said that she was a goddess of gentiles and that her temple served as the city's archive. I wanted to know more about this divinity but mother blushed when I asked what this goddess is supposed to do for humans. I thought it odd that a document relating to me, a Jew and an orphan, was deposited in a gentile sanctuary. Why did it not specify my age? How would my guardians know when their responsibilities reached an end when I officially become a man? After wrapping the papyri documents very carefully, mother decided to put them in an elegant leather purse which she hid under a basket full of all kinds of items, including her jewelry box and wooden dishes. These were meant to divert attention of future robbers from her precious documents in case we had to leave them behind. To tell the truth, I have no idea why robbers would brave the steep climb to our cave or the descent, which can only be done with sturdy ropes, but stories about buried treasures in caves and human greed are stronger than natural perils. Other refugees in our cave, including my stepsister Shelamzion, also brought their documents with them to the cave, believing, as mother and Eliezer did, that they will reemerge soon to resume their place in society, as well as the lawsuits that had yet to be launched or resolved.⁵²

It is interesting what people carry in a rush to leave home for a refuge cave. Shelamzion brought with her beautiful glass dishes, a wedding gift from a relative in Egyptian Alexandria.⁵³ What need did she have for

⁵¹ P Yadin 12.

⁵² Wise, 154–80, on other archives gathered by inmates of the Cave of Letters (Eleazar son of Eleazar; Eliezer son of Samuel; John son of Bayah(n); and Salome Komais).

⁵³ Excellent photos in Y. Yadin, *Bar Kokhba. The Rediscovery of the Legendary Hero of the Second Jewish Revolt against Rome* (New York 1971), 201–2, a volume that remains the most accessible and magnificently illustrated introduction to the excavations, the finds and Babatha's archive. See also idem, *The Finds*.

beautiful objects that she could barely see, if at all, in the dark recess of her cave-chamber? A family from Ein Gedi carried an entire collection of metal items, including shovels and incense cups, as though they intended to embark on a Temple pilgrimage right out of our cave. They showed me one of the metal objects, a deep dish with a handle, called *patera*, which serves, they told me, for libation to gentile divinities. At its center was a beautiful medallion showing a near-naked lady riding on a creature that looked like it was half man and half sea horse. Eliezer was unhappy when he saw the children in the cave eagerly inspecting the lady on the dish. He snatched it from our hands and returned it to its owner, who probably had looted it from the Roman camp that used to be in Ein Gedi. By the time we saw the dish again the figures were erased but not beyond recognition. Everyone also brought with them a key to their home as though their return was imminent.

We entered the cave in a panic, tempered by the certainty that we will never be discovered. We were even able to celebrate the feast of Sukkot, which fell two weeks after we entered the cave. All the families built together a single Sukka, which projected from the entry so that its roof, made of branches, faced heaven and God directly. Prayers were said softly but with special fervor, since we did not know how long we will be in the cave after the conclusion of the weeklong feast. Especially poignant was the improvisation of the ceremony of the water libation – while we longed for rain we also knew that too much water might have been dangerous for our safety. Money was useless in the cave, but everyone still gloated over the coins that bore legends proclaiming the new era of redemption.

At home in Mahoza, Sukkot was a communal celebration, with entire families weaving their booths with vines and ivy, keeping the table inside laden with seasonal fruit, and gathering to hear a public reading of the Torah.⁵⁴ Because Sukkot fell at the height of the vintage, our gentile neighbors believed that we were celebrating not Yahweh but Dionysus. On the eighth day of the feast we children marched in a procession, each carrying a palm branch (*lulav*) that we vigorously shook to the tune of a horn (*shofar*).⁵⁵ In Ein Gedi, however, children, slaves and women were

⁵⁴ Deut 16:13–15 emphasizing general rejoicing, sons and daughters included, as well as slaves; Deut 31:10–13 on general gathering; Lev 23:33–44 on weeklong celebration, and no work on the first and the eighth day; Num 29:12–34 on the kind of daily sacrifices. On Sukkot in the Pentateuch, H. Ulfsgard, *The Story of Sukkot* (Tübingen 1998), 76–96. Cf. the comments of Plutarch (c. 45–c. 120 CE), *Quaestiones convivales*, 4.6.2, with J. L. Rubenstein, *The History of Sukkot in the Second Temple and Rabbinic Periods* (Atlanta 1995), 95–6; and L. H. Feldman, “The Jews as Viewed by Plutarch,” in idem, *Studies in Hellenistic Judaism* (Leiden 1996), 545–7.

⁵⁵ Cf. the imagery of the dedication-sukkot on the wall of the Dura Europos synagogue, Chapter 6.

excluded both from the Sukka itself and from the meals consumed in it.⁵⁶ Only men and boys capable of discharging the rituals correctly dwelt in the sukka, eating, drinking and rejoicing together.⁵⁷

As weeks went by and the Romans remained in Ein Gedi, we had to learn to live sparingly, drinking in measure and eating only to stay alive. On one bright night, when I took my turn to keep guard at the opening of our cave, I no longer saw the lights of the Roman sentinel in Ein Gedi. Finally they left! We can return home at last. Suddenly I heard voices right above me. Men were speaking in an unfamiliar language – Latin. As I scanned the canyon, I saw lights on top of hills where caves sheltered other families from Ein Gedi. I called Eliezer. We conferred with other men who surmised that the Romans somehow realized where we were and pitched their camps right above the cave entries, which they could spot from the top. That night, Eliezer and another man left our cave. I do not know who was more brave: those who left to face a near-certain death by Roman arrows, or those who stayed behind, like mother and I, hoping against hope that the Romans would vanish into thin air. We retreated back to our cave-chamber. The first to die was the daughter of Eliezer's friend. She was four years old. Her father, Shaul son of Shaul, followed within days. Someone shared the story about a famous sage named Shimon bar Yochai who lived for thirteen years in a cave with his son, whence he emerged alive and well. Such miracles belonged to the not so distant past yet they seemed unrepeatable.

We held out for four more weeks. Then mother died. She did not give up easily, but days of hunger and thirst left her thin, haggard and exhausted. Even on her deathbed she looked for the bag where she kept her cosmetic items, beads, perfume flasks, her favorite pair of silver earrings, powder box, an oil container and a mirror. She asked me to put her sandals on her feet. I have no idea how she could apply cosmetics to her face in so dark a space and why she wished to depart from life made up and dressed up. As she was dying she clutched in her hand an old tunic of mine in which we wrapped a few kitchen items. It had knots in which mother put herbs, spices and seeds to protect me from diseases that threaten children. I have long grown out of it. I finally understood that

⁵⁶ As per the (later) Mishnaic exclusion in M Sukk 2.8, which is contradicted by the behavior of Shammai as recounted in the same pericope, an act that points to contradictory traditions, Rubenstein, 206.

⁵⁷ As succinctly put in Sifra (Leviticus) Emor 12.4 and 17.5 with Rosenblum, *Food and Identity*, 171. On this compilation see D. Akenson, *Surpassing Wonder: The Invention of the Bible and the Talmuds* (Chicago 1998), 346–52.

she kept it in the hope of having another child, a brother who will never see the light of day. No edibles were left, nor water. This is then the end of a life that had started so peacefully on the Arabian side of the Dead Sea.

I smile sadly when I remember that my family, long ago fearing Roman retribution after the failure of the great revolt against Nero, had left Judaea for the safer Nabatean shores of the Dead Sea, only to move back to Judaea, once again fearing Roman retribution. We thrived in Arabia. We perish in Judaea.

The Background: Babatha's Archive, Jesus' Family

The documents that desert caves in Israel have yielded defy historical narrative in spite of the impressive quantity of modern speculations.⁵⁸ Embracing two Roman provinces, Arabia and Judaea, the protagonists of the archives lived in the Dead Sea orbit where provincial borders often appeared irrelevant. Men like Judah son of Eleazar, Babatha's second husband, owned properties on both sides of the sea, in Arabian Mahoza and in Judaeon Ein Gedi.⁵⁹ Villages, small as Mahoza may have been, and large as Ein Gedi must have been, benefitted from rich soil and a climate which favored the cultivation of desirable crops, not least the rare and sought-after balsam. Nearly all the individuals mentioned in the cave documents were Jews who marshaled Aramaic, Nabatean, Greek and Hebrew with uneven capacity, depending on the context and purpose of their activities.⁶⁰ Paradoxically perhaps, the bulk of the documents which

⁵⁸ The story of the discovery of the documents in the cave dubbed the Cave of Letters is told by the discoverer, Y. Yadin in his illustrated 1971 *Bar Kokhba*. The narration is unrivalled, as are the resources that he had at his disposal due to excellent connections with both the military and civilian circles in Israel. For a detailed overview of the Babatha archives, J. G. Oudshoorn, *The Relationship between Roman and Local Law in the Babatha and Salome Komaise Archives* (Leiden 2007), 9ff. For an overview of the status quaestionum, Wise, *Language and Literacy*, 1–61. On Babatha in a Nabatean-Arabian and Roman-Arabian context, see the beautifully illustrated, J. Taylor, *Petra and the Lost Kingdom of the Nabataeans* (Cambridge MA 2002), esp. 172–89.

⁵⁹ Precise location of Mahoza is unknown other than the fact that it belonged to the region of Zoar. For an attempt to identify Mahoza with Rekem, Z. Safrai, "Halakhic Observance in the Judaeon Desert Documents," in *Law in the Documents of the Judaeon Desert*, ed. R. Katsoff and D. Schaps (Leiden 2005), 210–11, but Cotton and Greenfield opt for Ghor al-Safi/Zoar in "Babatha's Patria," *ZPE* 107 (1995), 126–34. On difficulties associated with identifying "Rekem," J. Retsö, "Petra and Qadesh," *Svensk Exegetisk Årsbok* 76 (2011), 115–36.

⁶⁰ The earliest dated document connected with Mahoza is P Yadin 36 (58–67 CE), a redemption of a writ of seizure drawn in Nabatean: A. Yardeni, "The Decipherment and Restoration of Legal Texts from the Judaeon Desert: A Reexamination of Papyrus Starcky (P Yadin 36)," *SCI* 20 (2001), 121–37. The earliest document from the group linked with Babatha's archives and with Mahoza is P. Yadin 1 (a debenture, 93/4 CE, redacted in Nabatean). For a full list of papyri and dates from mid-first century CE to 135 CE, Wise, Appendix A, 357–72. An unutterable confusion reigns over the

Babatha, a woman who could neither read nor write, kept were in Greek, although her own *ketubah* (P Yadin 10) was in Aramaic. All letters in Hebrew from the caves date to the revival of the language linked with the rebellion of Bar Kokhba (132–135 CE).

We know practically nothing about the strategies of teaching Latin or Greek as a nonnative language or about the daily routine of a child. Bilingualism in Babatha's archives, be it the Aramaic signatures that witnesses appended to documents drawn in Greek, or documents in Aramaic such as a marriage contract, do not assist in assessing the level of language proficiency. We can, however, use school textbooks produced all over the Mediterranean to glean a child's daily routine:

I awoke from sleep before dawn, got out of bed, sat down, . . . and put on my shoes. I asked for water for my face: I wash my hands first, then I washed my face. . . . I anointed my head and combed it. . . . I left the bedroom with my pedagogue and nurse to say good morning to my father and mother. I greeted and kissed them both and then left the house and go to school.⁶¹

Nearly all scholarly discussions centering on Babatha's archive have focused on the relationship between Roman, local and Jewish law. Little has been done on "how Babatha might have attempted to strategically range across different types of law and legal institutions in order to achieve an outcome favorable to her interests."⁶² Nor has sufficient attention been paid to "try and understand a family at work, [and how it] negotiated the mundane and treacherous terrain of money and familial relationships."⁶³ This is precisely why I shifted the focus from mother to child, from married women to minor orphans, and from an exclusive adult perspective to that

published editions of the Judaean Desert documents in spite of laudatory listing efforts such as E. Tov, *The Texts from the Judaean Desert: Indices and an Introduction to the Discoveries in the Judaean Desert Series* (DJD 39) (Oxford 2002), list on p. 109–14. For succinct overview, M. Schuol, "Die Papyrus-Dokumente von Wadi Habra/Nahal Hever," in eadem, *Augustus und die Juden: Rechtsstellung und Interessenpolitik* (Frankfurt am Main 2007), 224–36. Whether Babatha may have been an Idumean is possible but unlikely. The names appear in the context of Hellenistic burials in Judea, E. D. Oren and U. Rappaport, "The Necropolis of Maresha-Beth Guvrin," *IEJ* 34 (1984), 144, link the Hellenistic (third to second century BCE) Babatha and Babas buried in Maresha (inscription inscribed in Greek), on the outskirts of Eleutheropolis, with Idumean origins. I doubt a direct connection between the dead in Maresha and Babatha of Mahoza, although both may have had Idumean ancestry rooted somewhere centuries before.

⁶¹ Eleanor Dickey, *The Colloquia of the Hermeneumata Pseudodositheana. Volume 1: Colloquia Monacensia-Einsidlensia, Leidense-Stephani, and Stephani. Cambridge Classical Texts and Commentaries*, 49 (Cambridge 2012), *Gloss.* III 645–6 = ME 2a–4.

⁶² C. Humphress, "Laws' Empire: Roman Universalism and Legal Practice," in *New Frontiers: Law and Society in the Roman World*, ed., P. J. du Plessis (Edinburgh 2013), 97.

⁶³ M. Satlow, "Marriage Payments and Succession Strategies in the Documents from the Judaean Desert," in *Law in the Documents of the Judaean Desert* (2005), 65.

of the child's, whose minority and fatherlessness became a bone of contention between the adults representing their financial interests. In none of the documents do these children speak for themselves.

Of the thirty-five documents in Babatha's archive, four deal directly with "the orphan Jesus," as the child is termed in P Yadin 12.⁶⁴ Three additional papyri, in effect copies of a single legal form, imply preparations for further action against Jesus' guardians.⁶⁵ P Yadin 12, dated by Lewis to the first half of 124 CE, records the appointment of guardians for Jesus, none apparently related either to his deceased father or to Babatha.⁶⁶ This

⁶⁴ The name Jesus was apparently the sixth most commonly used name in Jewish male onomasticon of the Second Temple period. A. Feuerverger, "Statistical Analysis of an Archeological Find," *The Annals of Applied Statistics* 2.1 (2008), 3–54 provides useful summing tables. For the most comprehensive lists of names, T. Ilan, *Lexicon of Jewish Names in Late Antiquity 330BCE–650 CE I: Palestine; II, 32–3: The Western Diaspora; III. The Eastern Diaspora* (Tübingen 2002, 2008, 2011). On the frequent recurrence of names across generations in the same family during the Second Temple Era, primarily among royal and priestly dynasties, R. Hachlili, "Personal Names, Family Names and Nicknames in the Second Temple Period," in *Families and Family Relations as represented in Judaism and Early Christianity: Texts and Fictions*, ed. J. W. van Henten and A. Brenner (Leiden, 2000) pp. 83–115; but see M. Williams, "Onomastic Studies," in eadem, *Jews in a Graeco-Roman Environment* (Tübingen 2013), 289–388, whose appendices indicate that the majority of children, whether girls or boys, were not named after their parents. On the diversity of Jewish onomasticon both within a Diaspora and Judaeo-Palestinian contexts see L. Rutgers, "The Onomasticon of the Jewish Community," in idem, *The Jews of Late Ancient Rome. Evidence of Cultural Interaction in the Roman Diaspora* (Leiden 2000), 139–75 with parallels from around the Roman Mediterranean; and J. Z. Lauterbach, "The Naming of Children in Jewish folklore, ritual and practice," *Central Conference of American Rabbis Yearbook* 42 (1932), 316–60 idem, *Studies in Jewish Law, Custom and Folklore* (New York 1970), 30–7.

⁶⁵ The precise chronology of Jesus' and Babatha's lives eludes us. Babatha may have been born around 105; married for the first time around 120; and widowed by 124. Jesus, her son, would have been born in 122 or 123 CE, and apparently remained a minor at least until 132 CE, to judge by a receipt issued by Babatha for payment made by the son of one of the two original guardians (P Yadin 27). By 135, the year of the events here told, Jesus would have been somewhere between 12 and 14. It is unclear, however, whether this receipt also marked the conclusion of a suit submitted by Babatha against Jesus' guardians back in 125. It would have been odd, to say the least, that both sides had to wait seven years for a judgment. Lewis (p. 116) maintained that even in 132 the boy was still a minor and that the amount of money received had not changed despite "threats of legal actions," suggesting that Babatha never lodged her case at the governor's court. Equally unclear is whether the receipt of 132 was the only one issued by the mother to a guardian. Had there been other receipts, regularly issued upon payments, that Babatha did not keep? Was this receipt the last one issued to the child's guardian before Jesus attained his majority at fourteen, at least according to Roman law?

⁶⁶ For reasons that elude us, a paternal uncle did not become the child's guardian. Chiusi 2005, 110 notes that the second part of P Yadin 13 refers to a person who was to pay the family's debt but who never contributed to the orphan's maintenance. This person, she claims (p. 111) could have been either uncle/brother Joseph or an otherwise unknown tutor who was removed by the town council in favor of two new guardians. There is no procedure in Roman law that appears to lend support to this dislodging of a paternal male relative who would have been considered the natural guardian during an orphan's minority, Gaius, Inst. 1.155–7 on guardianship of minor orphans. Nor does it appear that the two new guardians possessed Roman citizenship in spite of the fact that such was a stipulation of Roman law, at least in Italy. On the number of guardians, Saller, *Patriarchy*, 195 who notes the "propensity to appoint multiple guardians (*contutores*)."

measure, undertaken somewhat surprisingly by the *boule* (city council) of Petra, assigned two men to manage the properties inherited by the orphan whom the decree designated as a “Jew” or “Judaean,” an ambiguous term found primarily in an epigraphic context.⁶⁷

P Yadin 13, which is extremely fragmentary and has been left untranslated by Lewis in his foundational 1989 edition of the Greek papyri, apparently dates to the second half of 124 CE. It features a brother (*adelphos*) named Joseph (in line 8; unnamed in line 12), who has been routinely identified as the brother of the orphan’s father. A great uncle of the orphan, also unfortunately named Joseph, had been party to a contract of deposit of joined assets with his nephew Jesus (the orphan’s father) in 110 CE (P Yadin 5), presumably occasioned by the death of Jesus’ father/Joseph’s brother.⁶⁸ It is surprising that “Uncle Jo” of P Yadin 13 is absent

of orphans, T. Miller, *The Orphans of Byzantium*, 30ff. Wise, 186 provides an elaborate genealogy which links two guardians, John (Yohanan) and his son Simon the hunchback, with the orphan’s paternal family.

⁶⁷ The term *ioudaios* (a Jew? a Judaean?) has attracted a fair share of controversy, nicely summarized in the Wikipedia entry for “Ioudaios” (with useful bibliography). Few, if any, of the scholarly articles on the subject address this curious labeling of Jesus the orphan. To the best of my knowledge, no other document relating to the living identifies a person, child or adult, as a Jew. In a divorce writ issued by Joseph to his wife Miriam, both of Masada (71 or 106 CE), the term “Jew” applies to any man whom Miriam may favor after her divorce (J. Naveh, *On Sherd and Papyrus* [Jerusalem 1992], 90). I know of no living Jews who are described as such, with the possible exception of Rufina of Smyrna, leader of the synagogue (IJO II.43), who allocated a burial place to members of her household, R. S. Kraemer, “Rufina Refined: A Woman *archisynagogos* from Smyrna, Yet Again,” in *Worship, Women and War: Essays in Honor of Susan Niditch*, ed. J. J. Collins, T. Lemos and S. Olyan (Providence 2015), 287–300. At Dura, a synagogue founder is named “presbyter of the Jews,” here clearly referring to the totality of the community. The only context in which people are identified with some regularity as “Jews/Judaean” is funerary. M. H. Williams, “The Meaning and Function of Ioudaios in Graeco-Roman Inscriptions,” *ZPE* 116 (1997), 258–61 provided a typology; S. Mason, “Jews, Judaean, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 (2007), 457–512 regards the term as ethnic, echoing papyrus documents. Roman legislation on Jewish affairs refers to Jews in the Roman Empire as *Iudaei* (D 48.8.11, 138–155 CE, Linder no. 1) and to Judaism or Jewishness as *iudaica superstitio* (D 50.1.3, 196–209/11 CE, Linder no. 2). In tax registers from Egypt the term *ioudaios*, rarely attached to an individual, seems to designate men of Semitic origins apparently involved in pastoralism, A. Hanson, “Egyptians, Greeks, Romans, *Arabes*, and *Ioudaioi* in the First Century AD Tax Archive,” in *Life in a Multi-Cultural Society. Egypt from Cambyse to Constantine and Beyond*, ed. J. H. Johnson (Chicago 1992), 138. Overall, however, the attachment of “Jew/Judaean” to an individual is rather rare. Cf. P Yadin 16 line 16 defining Ein Gedi as a village in the Jericho district of Judaea, here clearly the province. In P Yadin 12 line 7, the term may have pointed to the child’s ancestral origins in Judaea although the family had been settled in Arabia for several decades. Perhaps, though, the term was employed to distinguish the orphan by ethnicity or creed. Note that the same papyrus specifies the child’s residence (village of Ma[h]oza in Arabia) but not that of his guardians.

⁶⁸ Note, too, the similarity between P Yadin 13 line 13, which connects brother Joseph with money and a reference to Babatha, Joseph and money in the highly fragmentary P Yadin 35 line 13, tentatively dated by Lewis to summer 132/3 CE. I have yet to see an explanation of both similarity and the resurfacing of a Joseph at so late a date.

from P Yadin 5 since, like Jesus (the orphan's father), he would have been a lawful heir of the family's assets (assuming that he and Jesus shared a father). P Yadin 5 also refers to a maternal dowry, presumably that of pater Jesus' mother, who by 110 would have been most likely dead. It is quite possible that "Uncle Jo's" mother was a different woman from Jesus' mother. Remarriage seems to have been not uncommon in the documents and the existence of children by various wives should not occasion surprise.⁶⁹

It is unclear how old Jesus (the orphan's father) was in 110 CE when his uncle Joseph listed their common assets. Was he a minor? Was he married or unmarried?⁷⁰ These are not idle questions. The possibility that Jesus *pater* had been married before he contracted matrimony with Babatha need not be excluded, nor the birth of an older half-brother of Jesus himself. Militating against such a hypothesis is the modern assumption that the sum of 1120 "blacks" mentioned in P Yadin 5 (lines 7–8) was the equivalent of 400 denarii, the estimated fortune of the orphan Jesus.⁷¹ If this is indeed the case, we need further to assume that both the father and the older half-brother (had he existed) would have been deceased by 124, when the child Jesus inherited the collective assets of his father's family. On the other hand, one wonders why the property items listed in P Yadin 13 (defined by Lewis, 51, as "some of the financial interests of Jesus *pater*") fail to match the list contained in P Yadin 5 (the "money value of various properties and enterprises" belonging to great uncle Jo and his brother Jesus, Lewis 35), both ultimately constituting the inheritance of the orphaned child Jesus. Be that as it may, the two Josephs, the Joseph of P Yadin 5 and that of P Yadin 13, disappear from view after their fleeting and intriguing appearance in 110 and 124 CE, respectively.

Jesus' maternal family consisted of grandparents, Shimon and Myriam, who disappear from view after the year 120 CE, when Shimon willed all his properties to his wife (P Yadin 7, Aramaic) in a document which briefly

⁶⁹ On remarriage of widows, D 26.6.2.2 (Modestinus, third century) with S. R. Hübner, "Callirhoe's Dilemma: Remarriage and Stepfathers in the Greco-Roman East," in *Growing Up Fatherless in Antiquity*, ed. S. R. Hübner and D. M. Ratzan (Cambridge 2009), 67 note 38 [61–82]. It seems that Judah was married simultaneously to both Babatha and Miriam.

⁷⁰ Oudshoorn 219 opts for an adult; Satlow, *Marriage Payments*, 51, for a minor. I wonder whether he was married between his nuptials to Babatha around 120 and the deposit contract of 110. Demographic statistics point to late marriage, c. age 25, for Jewish men as well as for non-elite Roman males, S. R. Hübner and D. M. Ratzan, "Fatherless antiquity? Perspectives on 'fatherlessness' in the Ancient Mediterranean," in idem, *Growing up Fatherless in Antiquity*, 9. Schremer, *Male and Female*, 73–102 on striking differences between Eretz Israel and Babylonian age at marriage for males, late 20s in the former, teens in the latter.

⁷¹ As Lewis maintained, p. 53, on P Yadin 13 line 23.

refers to their daughter, Babatha. It seems that Babatha had been married already by 120 CE since a space defined as *horreum* in the parental home is put at her disposal but only if she is widowed. There is no indication that Babatha had siblings, nor do we know of any other relative of either Shimon or Myriam. We may assume, therefore, that Babatha was an only child and sole heir of her parents' considerable properties, which in turn would have revolved around her only child, Jesus. Whether these were further represented in full in the list of landed properties submitted by Babatha on the occasion of the provincial census (P Yadin 16) remains unclear. Were these also counted among the properties handled by her child's appointed guardians?⁷²

Questions abide. Why did Babatha refrain from bringing the case of her orphaned child to a Jewish court? Rare rabbinic references, none dating before the early third century CE, appear to endorse maternal guardianship over one's children, particularly if so designated by the will of the father.⁷³ In neighboring Egypt, widowed mothers served as both legal and unofficial guardians of their orphaned children.⁷⁴ There is, however, no indication that Babatha even entertained an appeal to a Jewish law court either in

⁷² An imperial property listed in P Yadin 7, lines 8 and 41, may be connected with a property purchased by Babatha's father which abutted imperial lands in Mahoza, as registered in Babatha's census declaration of P Yadin 16 line 24.

⁷³ D. Sperber, *A Dictionary of Greek and Roman Legal Terms in Rabbinic Literature*, 56–9, esp. 59 (female guardian) provides three meanings for the term "epitropos/a": guardian, administrator of an estate and governor. M Git 5.4 and M BK 4.4 relate to a male guardian of orphans, appointed either by the father before death or by a court (beit din); M Ket 9.4 and 9.6 discuss the appointment of a wife by her husband to be a shopkeeper or an administrator (*epitropa*) of his assets, clearly in his lifetime. After his death, whether or not she had been made an epitropa and then returned to the home of either her father or her father-in-law, the heirs of the deceased husband have no right to demand from her an account under oath of her management prior to her husband's death, and then only if she was made a guardian (of his assets). Y. K. Reinitz, "Guardianship by Virtue of 'Orphans Boarding with the Householder,'" *Bar Ilan Law Studies* 1 (1980), 219–24, reiterated in Y. Kaplan, "The Power of Interpretation: Religious Scholars Elevate the Status of Female Guardians in Jewish Law," *Cardozo Journal of Law and Gender* 14 (2008), 533–8, discussing M Git 5.4 which appear to lend support to the viability of a female guardian, like the grandmother, providing the orphans attached themselves to her voluntarily, although there is no reference specifically to a female guardian. In spite of the trenching dictum of T Ter 1.11 that a law court does not appoint women and slaves as guardians unless the father had appointed them in his lifetime, women could, perhaps, become guardians of orphans, although the matter was not quite clear cut, Reinitz, "Appointment of a Woman as a Guardian," *Bar Ilan Law Studies* 4 (1985), 167–74 (Heb), who also notes the addition of minors to women and slaves (BT Git 52a) as potential guardians. The sum total of references to guardianship of orphans suggests that it was not a recognized institution in rabbinic Judaism, although the raising of orphans in households of relatives and presumably of nonrelatives as well was apparently a widespread phenomenon. See also Chapter.

⁷⁴ V. Vuolanto, "Women and the Property of Fatherless Children in the Roman Empire," in *Women, Wealth and Power in the Roman Empire*, ed. P. Setälä et al. (Rome 2002), 203–43; on widowhood in the Roman world, J.-U. Krause, *Witwen und Waisen im Römischen Reich*, 4 vols (Stuttgart 1994–5).

Arabia (if they existed there) or in Judaea, in order to become a guardian or to contest the appointment of guardians by a non-Jewish body.⁷⁵ We are equally ignorant of the amount that the Petraean council specified when it endorsed the appointment of Jesus' two guardians. In her summons to the guardians, Babatha claimed that the two denarii per month (per guardian?) which the guardians did provide were insufficient to maintain Jesus in the style to which his birth entitled him (P Yadin 13, 15).⁷⁶

The astonishing rapidity of the events recorded in P Yadin 12–15, namely the appointment of two guardians to handle the orphaned child's properties, followed nearly instantly by a proposed lawsuit against them by the orphan's mother, suggests that Babatha had misplaced expectations. Alternatively, she may have opposed the appointment from the start and sought an opportunity to demonstrate her conviction. P Yadin 12 does not specify at whose request the guardians were appointed. Jesus *pater* most likely died without a will, although dying intestate was frowned upon by Roman jurists, especially when considerable properties were at stake.⁷⁷

P Yadin 14 records a summons against one guardian who, according to Babatha, did not pay his due. As Lewis noted, the reference to one guardian, John Eglas, rather than to the two guardians, appears odd in view of the fact that P Yadin 15 accuses both guardians of mismanagement. P Yadin 14, dated just over a year after the Petraean council appointed guardians for Jesus, also signals the first appearance of Judah son of Eleazar Khthousion, the man Babatha married or was about to marry at that point.⁷⁸ He is designated as Babatha's *epitropos* and writer (on her

⁷⁵ Cf. the case of the Jew Dositheus of Egyptian Herakleopolis who appealed to the archons to have his ward restored to him on the basis of both his adherence to biblical precepts and his suitability according to local law (mid-second century BCE), R. Kugler, "Dorotheos Petitions for the Return of Philippa (P.Polit.Jud. 7): A Case Study in the Jews and their Law in Ptolemaic Egypt," (Proceedings of the Twenty-Fifth International Congress of Papyrology, Ann Arbor 2007) *American Studies in Papyrology* (Ann Arbor 2010) 387–96.

⁷⁶ Which is precisely what Chiussi, 2005, 111 suggests when she proposes that in P. Yadin 13 Babatha is asking the governor to fix the amount to be paid since the two denarii "voluntarily paid" by the guardians was insufficient. She also maintains (p. 116) that the amount of two denarii of (tri-monthly) maintenance was fixed per guardian and not per assets, a somewhat unlikely proposition unless each guardian was assigned a separate piece of property to handle.

⁷⁷ Saller, *Patriarchy*, 193. If Jesus *pater* had two wives and two children, his sudden death without a will created a difficult situation, especially if the two boys were minor.

⁷⁸ Lewis, 71 correctly states that P Yadin 15 presents "cogent evidence that the two were already married in October" 125. In P Yadin 16 of 127, Judah appears once again as Babatha's guardian and scribal deputy. Admittedly, only in P Yadin 17 (128 CE) is Judah designated as Babatha's husband or, to be precise, Babatha is designated as his own wife. Another man, Jacob son of Jesus, appears as her guardian. The matter at hand was a loan that Babatha gave Judah which he was expected to repay upon demand. As Babatha must have wisely insisted, in this matter a husband could not act in a double and contradictory capacity.

behalf).⁷⁹ Judah may not have been an ideal advisor on financial matters. The record of a loan which he had contracted with a Roman soldier back in his Ein Gedi home suggests that he was a poor negotiator. Judah's actual repayments far exceeded the rate originally agreed upon.⁸⁰ Moreover, the financial interests of Shelamzion, his daughter by his first marriage, were considerably closer to his heart than those of his stepson Jesus.

According to P Yadin 15, Babatha proposed to manage her son's assets by herself, claiming that she could double, even triple, the amount allocated by Jesus' guardians for his upkeep.⁸¹ It seems that the proposal was rejected by both guardians and the governor's court, although it may have been in the best interest of the child himself. The latest receipt, issued by Babatha to only one of the two guardians of her son (132 CE, P Yadin 27) records the payment of the amount that she had been contesting for years. Whether this was also the last receipt ever issued is unclear. It is not unlikely that this sole recorded receipt also marked the year Jesus attained his majority (age fourteen by Roman law).⁸²

Babatha's second marriage introduced Jesus to a circle with its own complex familial and commercial networks.⁸³ He acquired a stepsister,

⁷⁹ For the date of the nuptials of Babatha and Judah, sometime between 125 and 128, see the comments of R. S. Kraemer, "Typical and Atypical Jewish Family Dynamics: The Cases of Babatha and Berenice," in *Early Christian Families in Context*, ed. D. L. Balch and C. Osiek (Grand Rapids), 138 note 35.

⁸⁰ Conjecture based on Lewis, 41, and the change of the loan amount from 40 to 60 denarii as the calculated base of the interest.

⁸¹ Cf. the rabbinic debate regarding the traditions relating to the sustenance of children, specifically whether the rate paid by a guardian can be greater than the one specified by the father's last words, BT Taanit 21a with J. W. Belser, *Power, Ethics and Ecology in Jewish Late Antiquity. Rabbinic Responses to Draught and Disaster* (Cambridge 2015), 101.

⁸² In the narration, I still follow the universal assumption as articulated by Lewis in his invaluable edition of the Greek documents that Jesus would have still been a minor in 132, at least according to Roman law, and hence possibly still one until his death in 134–5. However, the possibility that he would have reached the legal age of majority of fourteen cannot be entirely discounted, although Roman law extended the range of minority to twenty-five in matters concerning paternal property. I am unsure what to make of the signature of "Jesus son of Jesus," who witnessed several transactions that Babatha conducted. The name is, of course, the one borne by both the orphan and by his late father (P Yadin 20–2, 130 CE). The three papyri are in Greek but the subscriptions are in Aramaic. In P Yadin 20 line 46 only the name Jesus (Yeshua) is preserved; in P Yadin 21 line 32 Jesus son of Jesus is a witness and the writer of the document; in P Yadin 22 line 38 Jesus son of Jesus is a witness. Were these the orphan's signatures? How old did he have to be to act as a witness?

⁸³ The precise date of the marriage is unclear. Satlow, *Marriage*, 162 ff. on ceremonies/customs of betrothal and weddings and on the important role of the bride's family. There are no statistics for the remarriage of widows. A widow in Babatha's position was highly likely to remarry. Penniless widows probably were considerably less attractive. Notwithstanding, second marriages, especially of widows, were apparently widespread, at least as can be inferred from early rabbinic sources, T. Demai 2.16–17; M Yev 2.10, with Schremer, *Male and Female*, 220f. Yadin et al. 121, reject the possibility that Babatha signed for herself, but illiteracy hardly excludes one's ability to sign for oneself.

Shelamzion, who was probably not significantly older than himself, and whose wedding in 128 to Judah Cimber he would have surely attended. Ironically, the two youngsters were to be reunited in the cave of refuge, both probably perishing there. In addition to a stepsister, Jesus also acquired stepcousins, children of Judah's brother who, like himself, were orphaned while still minors. Although remarriage often entailed relocation, especially for the bride, Babatha remained in Mahoza even after marrying Judah. Her new husband already had a wife (Miriam) in Ein Gedi. It is unclear whether Judah divorced his first wife. It stands to reason that Babatha desired to be as far away as possible from Judah's other (first) wife. Nuptials, commercial transactions and litigation continued to take place in Mahoza even when the parties involved were residents of Ein Gedi. Julia Crispina, acting on behalf of Judah's orphaned nephews, challenged Babatha to meet her at the court of the governor in Petra (P Yadin 25). Babatha challenged Miriam, Judah's other wife, to meet her at the court of the governor of Arabia, wherever he may be (P Yadin 26). What Miriam, a resident of Judean Ein Gedi, made of this "invitation" remains unclear. One can only imagine a home atmosphere alternating between wedding festivities and court cases which must have generated continuous dissension and tension.

What ultimately brought Babatha, Jesus and other Mahozan families first to Ein Gedi and thence to a desert cave, where most, if not all, perished, remains a mystery, not least because the precise dates of these moves are conjectural.⁸⁴ Did they feel unsafe in Roman Arabia when Judaea was in open rebellion against Rome? Were they seized with a spirit that inspired a desire to live in an independent Jewish state? Did Babatha follow the new man in her life who was, like her second husband, a resident of Ein Gedi and who, unlike Judah, preferred to live in his home village? The fact that the Mahozan cave-refugees took with them family valuables, including keys to their home, as well as impressive collections of legal documents pertaining to their Arabian properties, suggests that they contemplated a return home at the end of hostilities.⁸⁵ Their hope was deceived.

⁸⁴ Cf. G. Bowersock, *Roman Arabia* (Cambridge MA 1998), 108 proposes that a massacre of Jews in Arabia was the trigger of displacement for Mahozan Jews. Wise, *Language and Literature*, 149 on the personal nature of the decision to move pending intimate relations between Babatha and Eleazar.

⁸⁵ H. Cotton, "Jewish Jurisdiction under Roman Rule. Prolegomena," in *Zwischen den Reichen: Neues Testament und römische Herrschaft*, ed., M. Labahn and J. Zangenberg (Tübingen 2002), 18 on Babatha's readiness to continue her legal activities as reflected in the fact that she took with her three Greek translations of the Roman formula of the *actio tutelae*.

The Bar Kokhba Revolt

Based on scant allusions in Roman and Christian sources, the basic narrative of the Bar Kokhba revolt focused on imperial initiatives that were either misplaced or misconstrued, or both.⁸⁶ Chief among these was Hadrian's proposed rebuilding of Jerusalem as a Roman colony, auspiciously named Aelia Capitolina after his own clan and chief deity, and crowned with a temple to Jupiter atop Temple Mount, where the sanctuary to Yahweh had stood.⁸⁷ By late summer CE 132, the Jews of Judaea, led by Bar Kokhba, were in an open rebellion that lasted three and a half years (132–5 CE).⁸⁸ The war engaged several legions and ended catastrophically for the Jews.⁸⁹ Centuries later the specter of countless Jewish

⁸⁶ Among many modern studies, Horbury, *Jewish War* is the most recent. See also M. Goodman, "Enemies of Rome," in *The Roman Empire. Economy, Society and Culture*, 2nd edn., ed. P. Garnsey and R. Saller (Oakland 2015), 55–67. W. Eck, "Der Bar Kochba-Aufstand der Jahre 132–136 und seine Folgen für die Provinz Judaea/Syria Palaestina," in: *Iudaea socia – Iudaea capta, Atti del convegno internazionale*, ed. P. Urso (Pisa 2012), 249–65; P. Schäfer, *Der Bar Kokhba-Aufstand: Studien zum Zweiten Jüdischen Krieg gegen Rom* (Tübingen 1981); and idem (ed.), *The Bar Kokhba War Reconsidered. New Perspectives on the Second Jewish Revolt against Rome* (Tübingen 2003). For a succinct overview of long- and short-term causes and the course of the "struggle," J. J. Bloom, *The Jewish Revolts against Rome AD 66–135* (Jefferson NC 2010), 201–20. I have not been able to consult the two newest additions to the already substantial bibliography, M. Mor, *The Second Jewish Revolt: The Bar Kokhba War 132–136 CE* (2016) and C. Weikert, *Von Jerusalem zu Aelia Capitolina. Die römische Politik gegenüber den Juden von Vespasian bis Hadrian* (2016).

⁸⁷ L. Capponi, "Hadrian in Alexandria and Jerusalem in 117," *Athenaeum* 98 (2010), 489–502 on hatching these plans already at the dawn of his reign in order to prevent Jewish rebellions. An early date for a Hadrianic-planned Jerusalem is also gleaned from a new interpretation of the archaeological remains, S. Weksler-Bdolah, "The Foundation of Aelia Capitolina in Light of New Excavations along the Eastern Cardo," *IEJ* 64 (2014), 38–62; eadem and R. Rosenthal-Heginbottom, "Two Aspects of the Transformation of Jerusalem into the Roman Colony of Aelia Capitolina," in *Knowledge and Wisdom. Archaeological and Historical Essays in honor of Leah Di Segni* (Milan 2014), 43–61. For a useful overview of the question, H. Hofer, *Die Erhebung der Juden unter Bar Kochba. Der heroische Kampf des jüdischen Volkes gegen die römische Besatzung im 2. Jhd. n. C.* (Hamburg 2014). It also appears that by the time of Hadrian's visit in 130, the city already boasted main roads, piazzas, temples and monuments. On the problematics of dates and dating, see also R. Baker, "Epiphanius On Weights and Measures 14: Hadrian's Journey to the East and the Rebuilding of Jerusalem," *ZPE* 182 (2012), 157–67; and A. Ecker and H. Cotton, "The Date of the foundation of Aelia Capitolina," in *The Oxford Handbook of Greek and Roman Coinage*, ed. W. Metcalf (2012), 492–9.

⁸⁸ On the territorial extent of the rebellion as reflected in hordes of Roman coins as well as the geographical distribution of Bar Kokhba coins, Eshel and Zissu apud Zissu and Eshel 2001, 17–40, point to a base of support that extended from the region of Hebron south of Jerusalem through Lydda in the west, all the way to the Galilee. See also A. Kloner and B. Zissu, "Hiding Complexes in Judaea: An archaeological and geographical update on the area of the Bar Kokhba Revolt," in the *Bar Kokhba War Reconsidered*, ed. P. Schäfer, 2003, 181–217; and Y. Shahar, "The underground hideouts in Galilee and their historical meaning," in *ibid.*, 217–41.

⁸⁹ In the aftermath of defeat and destruction, refuge caves apparently continued to be inhabited. Among the finds is a document of a widow, issued to her brother-in-law, which acknowledged that she received her due and had no further claim against the property belonging to the family of her

captives sold in a local slave market near Hebron continued to haunt Jewish memory.⁹⁰ A poignant rabbinic autobiography of a sole survivor of Bethar, the rebels' stronghold, shows how children had become an emblem of both national aspirations and disaster:

There were five hundred schools in Bethar with no less than five hundred children (*tinokot*) in the smallest of them. The children were heard to say that: "If the enemy comes, we will march against them and blind them with our styluses (pens)." But sin foiled their intentions. The Romans wrapped each child in its scroll and burnt them. Of all the children I [Rabbi Simeon son of Gamaliel] alone survived.⁹¹

Palestinian rabbinic sources counted several Roman restrictions aimed at curtailing the framework which informed the routine conduct of Jewish life on the land. An imperial ban on circumcision was apparently responsible for inflaming an already charged hostile atmosphere in the early 130s.⁹² Other prohibitions extended to public readings of the Torah, Shabbat observance, marriage on Wednesdays, eating *matzah* on Passover, building a *sukka* and waving a *lulav* during Sukkot, wearing *teffilin*, chanting the Shema, tithing, writing documents in Hebrew and returning lost articles.⁹³ Whether these bans reflected a systematic

deceased husband, E. Eshel et al., "A Document from the Year 4 of the Destruction of the House of Israel," *Dead Sea Discoveries* 18 (2011), 1–28, dating to CE 140!

⁹⁰ This is what Jerome (*Comm. in Jer.* 6.18.6; *Comm. in Zach.* 3.11.4) suggests in a reference that appears to contradict Sozomen's evidence on Jewish participation in the annual fair at Mamre-Terebinthos, D. E. Hunt, *Holy Land Pilgrimage in the Later Roman Empire* (Oxford 1984), 136–7. On the site see A. Lewin, *The Archaeology of Ancient Judea and Palestine* (Los Angeles 2005), 144–7.

⁹¹ PT Taan. 4.6; with parallels in BT Git 58a; BT Sot 49b; LamR 2.4. N. Hacham, "Rabban Simeon son of Gamaliel in Beitar," *Tarbiz* 74 (2005), 547–64 (Heb) considers the PT version as the "original," noting the presentation of children as good pupils in the PT but as warriors who abandoned the Torah for a fight in the BT version, Chapter 2. Horbury, *Jewish War*, 400 on zeal of rebels and rage of Romans. The numbers are clearly rounded. They do not mean to convey specific figures as much as the contagious spirit of rebellion that extended even to spaces of children's learning. Chapter 2.

⁹² Whether the ban on circumcision was a cause or a result of the Bar Kokhba revolt continues to be debated. A. M. Rabello, "The Edict on Circumcision as a Factor in the Bar-Kokhba Revolt," in *The Bar-Kokhba Revolt: New Approaches*, ed. A. Oppenheimer and U. Rappaport (Jerusalem 1984), 37–41; A. Oppenheimer, "The Ban on Circumcision as a Cause of the Revolt: A Reconsideration," in *The Bar Kokhba War Reconsidered: New Perspectives on the Second Jewish Revolt against Rome*, ed. P. Schäfer (Tübingen 2003), 55–69. Against such a ban as specifically directed against the Jewish custom of circumcision, R. Abusch, "Negotiating Difference: Genital Mutilation in Roman Slave Law and the History of the Bar Kokhba Revolt," in *The Bar Kokhba War Reconsidered*, 71–91, largely repeated in idem, "Circumcision and Castration under Roman Law in the Early Empire," in *The Covenant of Circumcision. New Perspectives on an Ancient Jewish Rite*, ed. E. Wyner Mark (Lebanon NH 2003), 75–86.

⁹³ R. Kalmin, "Rabbinic Traditions about Roman Persecutions of the Jews: A Reconsideration," *JSJ* 54 (2003), 47–8. For another full list and discussion of imperial bans, M. S. Herr, "Persecution and Martyrdom in Hadrian's Days," *Scripta Hierosolymitana* 23 (1972), 85–125, esp. 94–7.

Hadrianic policy vis-à-vis the Jews of Judaea before the outbreak of the revolt or following its suppression is unclear. In other words, were these prohibitions the cause or the consequence of rebellion?⁹⁴

Rabbinic visions recast the years of repeated Jewish rebellions against Rome as generators of disruption.⁹⁵ A Mishnaic catalogue of suspended Jewish customs shows how children – as potential learners, brides and bridegrooms – encapsulated the ills of wars:

During the war with Vespasian they decreed a ban on wreaths (or crowns) of bridegroom and on bells (or: drums). During the war with Qui[e]tus they banned bridal garlands and the teaching of Greek to one's son. During the last war (i.e. Bar Kokhba's revolt) they banned the travel of brides atop litters throughout town but our rabbis allowed it.⁹⁶

Wars also introduced liturgical modifications. Scarcity of water during the Bar Kokhba era for ritual purification resulted in a vocal adaptation of the recitation of the *Shema* prayer, to be uttered softly rather than through a loud chant (T Ber. 2.13). A Roman ban on reading the Torah in public ushered in a new strategy of reading which entailed carrying the Torah scrolls from one roof to another, presumably to avoid being detected (T Eruv 5.24). During Sukkot (Feast of the Booths), it became necessary to use boards as roofing material in order to create a simile of a Sukka (T Sukk 1.7).⁹⁷

These measures and countermeasures, external and internal, bear no echo in the documents that record life in Arabian Mahoz during the same decades (c. 70–130). Rather than mourning the demise of Jewish customs, the Jews of Arabia were energetically engaged in litigation, financial transactions, marriages and remarriages. Their Jewishness is difficult to delineate. We have no information on the manner in which they celebrated the Sabbath or other Jewish festivities, or if they celebrated them at all. Even their marriage contracts rarely disclose the nature of the wedding celebration or explain why some Jews in Arabia preferred Greek, rather

⁹⁴ This has been a debate resembling the “chicken and the egg.” By way of comparison, it should be useful to recall the series of ever-growing restrictions imposed on Jews and on Jewish practices by emperors in the fifth and sixth centuries, none leading to a large-scale revolt.

⁹⁵ P. Schäfer, “Bar Kokhba and the Rabbis,” in idem, *Bar Kokhba Reconsidered*, discounts practically every rabbinic reference to the events.

⁹⁶ M Sot 9.14, with Satlow, *Jewish Marriage*, 171 and L. S. Lieber, “The Piyyutim le-Hatan of Qallir and Amittai-Jewish Marriage Customs in early Byzantium,” in *Talmuda de-Eretz Israel: Archaeology and the Rabbis in Late Antique Palestine*, ed. S. Fine and A. Koller (Berlin 2014), 279. On teaching daughters and sons Greek, Chapters 3 and 4.

⁹⁷ For roofing of booths it was permissible to use only foliage of seven trees: vine, fig, pomegranate, peach, almond, nut and palm. *Pesikta de Rav Kahana* Supp. 2.3–5 (Mandelbaum). Cf. BT BB 74b–75a.

than Aramaic, for recording the obligations of the bridegroom, and why the contracts stipulate that future children ought to be maintained according to Hellenic/Greek custom. This is especially interesting if, as has been suggested in a recent reexamination of Sabbatical cycle dates (*shemita*) used in documents from the Judean desert caves of Letters and Murabbaat, preparations for the revolt in Judea may have begun as early as CE 118.⁹⁸ If correct, this reconstruction lends substance to Dio's report about the rebels' attention to refuge caves and tunnels long before the outbreak of war.⁹⁹ Perhaps Hadrian's not unproblematic accession in CE 117 may have been perceived as a moment of imperial weakness.

By CE 132, Judaea was in open rebellion. The number of legions posted to quell the revolt is uncertain but it seems that Hadrian relied on the governors of provinces adjacent to Judaea, primarily Arabia, to assist in the suppression of the revolt.¹⁰⁰ Excavations continue to unearth finds, mostly coins and refuge caves, that shed light on the extent of economic and military activities of the rebels, on the geographical scope of the revolt, on the plight of refugees from all over Judaea and even on oil consumption by Roman soldiers whose tastes led them to make purchases from Jewish oil presses in the areas where their unit was stationed.¹⁰¹ We have a substantial

⁹⁸ Y. Peleg, "On the date of 'The redemption of Israel in the documents of the Judean Desert,'" *New Studies on Jerusalem* (Ingeborg Rennert Center for Jerusalem Studies, BIU) 17 (2011), 369–83 (Heb) on the use of formulae linked with the rebellion, such as "The Redemption of Israel." If correct, this reconstruction lends substance to Dio's report about the rebels' preparation of refuge caves and tunnels long before the outbreak of war. P. Benoit, J. T. Milik and R. de Vaux, *Les Grottes de Murabbaat* (Oxford 1961) for the documents.

⁹⁹ One of the Aramaic documents from Seiyal now linked with the caves of Nahal Hever where Babatha's archive was discovered, "XHev/Se 11," in *Aramaic, Hebrew and Greek Documentary Texts from Nahal Hever and Other Sites*, ed. H. M. Cotton and A. Yardeni (DJD 27) (Oxford 1997), perhaps a marriage contract, bears a fragmentary date that can read either as the eighth year or the eighteenth year of . . . (line 1). It may have been dated, as other documents, to the years of the eparchy (i.e. 131), in which case the document would date either to 114 CE or to 124 CE, both years preceding the conventional date of the outbreak of the Jewish revolt. If counted according to the Jewish calendar of Shemitah, which makes 118 CE one such year, we reach either 126 (the eighth year) or 136 (the eighteenth). Unfortunately, no. 11 is too fragmentary for further speculations.

¹⁰⁰ W. Eck, "Hadrian's Hard-Won Victory," *BAR* 33.5 (2007), 42–51, on assistance from Arabia, relying on an inscription recording the award of *ornamenta triumphalia* to Haterius Nepos, governor of Arabia in 130–1, but see A. Moscy, *Pannonia and Upper Moesia* (1974 rep 2014), 103 dating the inscription to 138, which would suggest involvement not in Judaea but elsewhere. For an overview, M. Mor, "The Geographical Scope of the Bar Kokhba Revolt," in *Bar Kokhba War Reconsidered*, 107–31.

¹⁰¹ Zissu et al., "Aramaic and Latin Graffiti in a Underground Complex at Khirbet 'Arak Hala – North of Bet Govrin," in "See, I will bring a scroll recounting what befell me" (Ps 40:8). *Epigraphy and Daily Life from the Bible to the Talmud Dedicated to the Memory of Professor Hanan Eshel*, ed. E. Eshel and Y. Levin (Göttingen 2014), 123–42, for a Latin graffito from a cavernous oil press near Eleutheropolis, undated, perhaps related to the Aramaic graffito discovered in the same location which blesses an emperor, possibly Trajan.

corpus of Bar Kokhba's coins, mostly struck-over Roman coins.¹⁰² These coins are found not only in Bar Kokhba-controlled Judaea but also as far away as the Danubian frontier of the empire.¹⁰³

Hadrian in Judaea: Who Are the Children on Roman Imperial Coins?

Bar Kokhba coinage has become a critical source for reconstructing the revolt's economic, geographical and ideological infrastructure.¹⁰⁴ Little attention, however, has been paid to contemporary imperial coinage. Roman coins minted to commemorate Hadrian's passage through Judaea (*adventus Iudaea*) display a curious mixture of conventional and unusual imagery.¹⁰⁵ The obverse bears an imperial bust portrait; the reverse displays familiar elements of *adventus* series: the emperor, the province as a woman and an altar. The female-province is performing a sacrifice designed to proclaim a new state of harmonious existence bred by imperial benevolence. What makes the *adventus Iudaea* coins strikingly exceptional in the *adventus* series is the appearance of children, easily identified as such by their size, who accompany "Judaea": Two or three in number, the children

¹⁰² L. Mildenberg, *The Coinage of the Bar Kokhba War* (Frankfurt am Main 1984). See also J. C. Kaufman, "Additions to the Corpus of Leo Mildenberg's *Coinage of the Bar Kokhba Revolt*," *INJ* 14 (2000–2), 129–52; and *INJ* 16 (2007–8), 136–9. Especially instructive are the coins collected by M. Rosenberger, *The Coinage of Eastern Palestine and Legionary Countermarks, Bar Kokhba Overstruck* (Jerusalem 1978), 82–4, which shows the originals, namely city coins from Ascalon and Gaza bearing imperial portraits (mostly Hadrianic) and the city's tyche and ranging in date from CE 85 to 131; and H. Eshel, "The Policy of Overstriking Roman Coins during the Bar Kokhba Revolt in light of Finds from the Judean Desert," *Judea and Samaria Research Studies* 5 (1995), 173–82 (Heb). In fact, practically every issue of *INJ* contains articles relating to the discovery of Bar Kokhba coins.

¹⁰³ H. Eshel, B. Zissu and G. Barkay, "Sixteen Bar Kokhba Coins from Roman Sites in Europe," *INJ* 17 (2009–10), 91–7 (Londinium, Vindobona, Carnuntum, Brigetio, Illisua, Pojejena, Ulpia Traiana Sarmizegetusa). Cf. similar findings of coins from the first revolt, R. Reich, "A Note on Coins from the First Revolt against Rome discovered at Carnuntum, Austria," *INJ* 17 (2009–10), 88–90. These coins are commonly taken to have been brought by Roman soldiers or veterans, Berger, *Ring*, 2005, 69–70, 134 (Carnuntum). The possibility of enslaved or migrant Jews ought not to be discounted.

¹⁰⁴ Rosenberger; Mildenberg.

¹⁰⁵ Toynbee, *The Hadrianic School. A Chapter in the History of Greek Art* (Cambridge 1934), 118–20. Hadrian's Judaeac *adventus* is usually assigned to 130 in conjunction with his travels through the Near East. Yet, coins bearing a reference to Hadrian's third consulship, the last one that Hadrian assumed, can be dated, at best, to sometime between CE 119 and 138. Hadrian added the title of PP (*Pater Patriae*) in 128 to imperial titlature, which means that all coins bearing both COS III and PP date to Hadrian's last decade (128–138 CE). For an excellent concise summary of Hadrianic coinage, K. Butcher and M. Pointing, "The Beginning of the End? The Denarius in the Second Century," *Numismatic Chronicle* 172 (2012), 70–4. The *Adventus Iudaea* issues date to the decade between 128 and Hadrian's death in 138. The two imposing arch-inscriptions honoring Hadrian, one erected in Jerusalem, the other in Tel Shalem near Scythopolis, do not bear a decisive date. On Hadrian's travels and dates, R. Syme, "Journeys of Hadrian," *ZPE* 73 (1988), 159–70. I am grateful to Constantine Marinescu for allowing me to reproduce these coins.



Figure 8.1. Coins depicting Hadrian's *adventus Iudaea*.

flank the province, facing the altar and the emperor. Rather conspicuously, each child holds a palm branch in his arms (Figure 8.1).¹⁰⁶

Although this type was duly noted, no convincing explanation has been offered for the presence of children on these *adventus* issues which were minted in Rome. How did this iconography fit the political, economic, environmental and temporal context in which these coins circulated? Following Toynbee, all scholars have described the children as chubby boys.¹⁰⁷ Neither the children's sex nor their weight is, in fact, apparent.

¹⁰⁶ I have been unable to consult J. Ostrowski, "Hadrian and the Personifications of Judea," in *Amicorum Dona. Festschrift S. Skowronek*, ed. F. Kiryk et al. (Krakow 1998) who is cited by J. Ciencielag, "Anti-Jewish Policy of the Roman Empire from Vespasian until Hadrian, in the Light of Numismatic Sources—Fact or Myth?" *Israel Numismatic Research* 1 (2006), 101–10. The coins are assigned to the years 134–8 on uncertain grounds. I am equally unclear about the *restitutor provinciae* type since there are apparently no such coins bearing a Judea legend. A reconstruction of this type adds three children to the standing emperor and the kneeling province, Ciencielag, 108, based on Ostrowski. Cf. the reverse of a Hadrianic coin inscribed Arabia, with Tyche (bust) turreted, with a mantle buffed by the wind, holding a small seated figure in each arm. The obverse bears a portrait of Hadrian, Rosenberger, *Coinage*, 6 (Arabia).

¹⁰⁷ Toynbee, *Hadrianic School*, 118–20 describes the "chubby" children without further comment. R. Daines, "How Long: God's Revealed Schedule for Salvation and the Outbreak of the Bar Kokhba Revolt," in *Judaism and Crisis: Crisis as a Catalyst in Jewish Cultural History*, ed. A. Lange, K. F. D. Römhald and M. Weigold (2011), 233, repr. in idem, *Acts of God in History: Studies Towards Recovering a Theological Historiography*. (Tübingen 2013), 191f., argues that Hadrian's Judea coins set out to present a better mother than the mythical mother of Macc. 2 who unflinchingly watches as her seven sons are executed in terrifying manners. 2 Macc. 7.1–41. The Hadrianic mother, it is argued, leads her children to worship the emperor and hence into a better future. Ciencielag, 108, sees the coins as representing a new imperial order, with the children symbolizing the non-Jewish colonizers resettling the war-ravaged province or the renewal of the previously destroyed province. Mildenberg, 97–9 merely claims that Hadrian's Judean coins were struck in 130–2 but does not

More likely the children are generic, representing neither chubbiness nor boys in particular. Furthermore, the palm branches or fronds that the children wave are virtually ubiquitous in antiquity, appearing on both minor and monumental art and within Roman and Jewish contexts, often symbolizing victory. Yet, the combination of children and palm branches on imperial coins appears exceptional. Jewish coins minted during both the first and the second Jewish revolts against Rome often feature palm branches (or willow), as do Herodian coins. None, however, attached palms to children.

The appearance of children on Hadrianic *adventus Iudaea* coins has a singular parallel in Trajanic coinage commemorating not imperial journeys but *alimenta*, imperial subsidies supporting children and orphans established by Trajan to encourage the rate of birth of Roman citizens in Italy and duly commemorated on public monuments and imperial coins.¹⁰⁸ Hadrian's *libertas* issues, all bronze *sestertii*, marked the emperor's extension of Trajan's alimentary system.¹⁰⁹ On the reverse the emperor is seen seated on a dais, gazing benevolently at a woman who stands in front of him, most likely personifying Italy (Figure 8.2). Two children complement the picture. One infant is held in the crook of the lady's arm. The other child seems to attempt to hide in the folds of her gown, not unlike one of the children on the *adventus Iudaeae* coins. The appearance of children on the Judean *adventus* coins cannot, therefore, be a mere coincidence or an accident of the imperial mints.

refer to the appearance of children at all. A. S. Tendler, "The Temple and Cult Types on the Bar Kokhba Coinage," *New Studies on Jerusalem* 18 (2012), 304 explains the palm branch on Jewish coins as a symbol of submission turned into one of victory.

¹⁰⁸ R. Duncan-Jones, *The Economy of the Roman Empire*, 288–305; C. P. Jones, "Eastern Alimenta and the Inscriptions of Attaleia," *JHS* 109 (1989), 189–91. Idem, "The Purpose and Organisation of the Alimenta," *Papers of the British School at Rome* 32 (1964): 124. See also G. Woolf, "Food, Poverty, and Patronage: The Significance of the Epigraphy of the Roman Alimentary Schemes in Early Imperial Italy," *Papers of the British School at Rome* 58 (1990). P. Garnsey, "Trajan's *alimenta*. Some Problems," *Historia* 17 (1968), 367–81 on the three different types of Trajan's *alimenta* coinage; one shows a goddess (Italia or Abundantia) holding a cornucopia in one hand and handing corn to a child who is holding a roll of bread; the second displaying Trajan seated in the curule chair and distributing bread to children held by the goddess; the third shows a standing man distributing bread to children. All three variants bear the letters "ALIM ITAL."

¹⁰⁹ D. 34.1.14.1 on Hadrian's raising maintenance age limits to fourteen and eighteen for girls and boys, respectively.

Hadrian's coins substituted *alimenta* for *libertas* but kept the iconography of Trajan's *alimenta* issues, B. Rawson, "Children as Cultural Symbols. Imperial Ideology in the Second Century," in *Childhood, Class and Kin in the Roman World*, ed. S. Dixon (London 2001), 34. Cf. Pliny's comments in his panegyric to Trajan (Pan. 26–8) on the twin schemes of public welfare, *alimenta* and *congiaria* (paid to the Roman plebs) which brought *libertas* and *securitas* (liberty and security) to breed in peace and free of fear of poverty, Toynbee, *Hadrianic School*, 109–10. Rufus Fears, 916, in ANRW 11.17.2. 916.



Figure 8.2. Coin depicting Hadrian's *libertas restituta*.

These children provide a crucial clue to a new understanding of the unfolding tension, misinformation and misunderstanding that characterized Jewish–Roman relations in Judaea during Hadrian's reign. The imperial *adventus* through Judaea was the apogee of imperial and local initiatives in the province which included the paving of new roads, the erection of a temple honoring the emperor (Hadrianeum) in both Tiberias and Caesarea, the renaming of Sepphoris as Diocaesarea and the establishment of a feast honoring the emperor in Gaza. The emperor arrived in Jerusalem ready to consecrate a newly minted colony, Aelia Capitolina, perhaps a full decade after the initial plans had been conceived. The conversion of Jerusalem is best understood as a step in fulfilling the imperial vision of Hellenizing, selectively, the urban landscape of the Near East.¹¹⁰ Hadrian's *adventus Iudaea* coins indicate that Aelia Capitolina, once the symbol of Judaea's Jewishness, was earmarked to become a Roman colony with special privileges. Like Antinoopolis, another privileged Hadrianic colony, Aelia was to benefit from the extension of imperial *alimenta*.¹¹¹ The exceptional, indeed unique,

¹¹⁰ Cf. the citizens of Antinoopolis as "the new Hellenes," M. T. Boatwright, *Hadrian and the Cities of the Roman Empire* (Princeton 2000), 194.

¹¹¹ On alimentary for Antinoite children, as manifestation of imperial favor unparalleled outside Italy, Boatwright, *Cities*, 195. Coins of Bostra point in the same direction. For epigraphical evidence regarding *alimenta*, usefully provided in G. N. Olcott, *Thesaurus Linguae Latinae Epigraphicae I* (Rome 1904), s.v. *alimenta*, which likewise suggests the extension of the subsidies beyond Italy.

addition of children to the traditional iconography of imperial *adventus* reflects this imperial favor.¹¹²

The new Jerusalem promised new opportunities for the emperor's gentile subjects in Judaea, primarily veterans.¹¹³ The *adventus* coins (if minted in 130–2) further suggest an imperial plan of peopling the colony with families of citizens whose children would be eligible to receive imperial subsidies, a perfect counterplan to the notorious ability of Jews to multiply through an exceptionally high birth rate.¹¹⁴ The children of Roman-Hadrianic Judaea, clearly depicted on the *adventus* coin, and definitely not Jewish, symbolized the intimate bond between emperor and province. As Pliny had predicted, these children would grow up under the watchful yet benevolent imperial eye to become loyal members of the imperial commonwealth.

For Rome's Jewish subjects, this new Jerusalem meant that the city, albeit in ruins since 70 CE, could never regain its Jewishness. The combination of children and palm branches was likely interpreted as provocation. Bar Kokhba's Judaea advanced a countervision, strikingly reflected in the centrality of images of Temple and of palm branches on its coinage, the former evoking Jerusalem, the latter the feast of Sukkot, both harking back to the rededication of the Temple during Sukkot in the course of the resettlement led by Ezra and Nehemiah.¹¹⁵ Rabbinic stories about the destruction wrought by the Romans during the suppression of the Bar Kokhba revolt highlight the stunning imbalance between an "army" of children and the well-armed Roman soldiers. Did such Talmudic vignettes with their impossible statistics circulate as a provocative and poignant response to Hadrianic coinage with its triumphant children holding fronds aloft as they greet the emperor and acknowledge his benevolence?

¹¹² Admittedly, the coins feature the province and not a single city, perhaps indicating the extension of *alimenta* not only to Jerusalem but also to other urban centers favored by Hadrian.

¹¹³ W. Eck, "The Bar-Kokhba Revolt: The Roman Point of View," *JRS* 89 (1999); See now Eck's collected articles on Bar Kokhba in idem, *Judaea-Syria Palästina* (Tübingen 2014). Jos. *Wars*, 7.216–17 on veterans settled by Titus in Emmaus near Jerusalem; E. Klein, "The Origins of the Rural Settlers in the Judean Mountains and Foothills during the later Roman period," *New Studies on Jerusalem* (Ingeborg Rennert Center for Jerusalem Studies, Bar Ilan University) 16 (2010) (Heb).

¹¹⁴ Tacitus, *His.* 5.5.; E. Gruen, "Roman Perspectives on the Jews in the Age of the Great Revolt," in *The First Jewish Revolt. Archaeology, History, Ideology*, ed. A. M. Berlin and J. A. Overman (London 2002), 27–42.

¹¹⁵ Y. Adler, "The Temple Willow-Branch Ritual depicted on Bar Kokhba Denarii," *INJ* 16 (2007–8), 129–33, suggests that the branch is not a palm frond but a willow, selected to accentuate the implements used in Sukkot's ceremony of water libation. See also H. Lapin, "Palm Fronds and Citrons," *HUCA* 64 (1993), 111–35.

Children, Rebels and Sukkot

Sukkot had been the Temple feast par excellence, a moment of national reunion and of covenant renewal.¹¹⁶ Bar Kokhba's political imagination found its moment in history through the promotion of Sukkot, a weeklong event that marks a distinct Jewish space and time.¹¹⁷ Letters written by Shimon [bar Kokhba?] during the revolt contain demands for the dispatch of the four species (palm branches (*lulav*) and citrons, myrtle branches and willows), to be delivered to the camp for the celebration of Sukkot.¹¹⁸ Whence they got the wine for the feast is unclear.¹¹⁹

To celebrate Sukkot with its liturgical appurtenance in military spaces indicates the paramount importance of performing the feast even under unusual conditions.¹²⁰ Camps were apparently placed in the middle of settlements, often atop or next to hiding complexes.¹²¹ Time was set aside for proper celebration of Sabbath, and festivals created a radical separation between the rebels and their enemies. The essential principle was to unify and overcome the centrifugal forces that had divided the opposition to

¹¹⁶ In general, Rubenstein, *Sukkot*, with S. Valler, *Massekhet Sukkah. Text, Translation and Commentary* (=A Feminist Talmud Commentary II/6:Tractate Sukkah) (Tübingen 2009), 207–10. Valler places the exclusion of women from Sukkot rituals, as well as from other timebound commandments, within the context of the aftermath of the failure of the Bar Kokhba revolt and the regulations issued at Usha. On this theme and the ambiguous rules excluding women from a weeklong “residence” in a sukkah, see also E. Shanks Alexander, *Gender and Time Bound Commitments in Judaism* (Cambridge 2013), 115–17. M Sukk. 2.8 specifically exempts “women, slaves and minors” (but on Shammai’s counteraction see this chapter), as does M Sukk 3.10, albeit in the singular and in an odd order of “slave, or woman or minor”, see also Chapter 2.

¹¹⁷ A. Oppenheimer, “Bar Kokhba and the Observance of *Mitzvot*,” in idem, *Between Rome and Babylon. Studies in Jewish Leadership and Society* (Tübingen 2005), 283–91.

¹¹⁸ P Yadin 57 (Aramaic, year unclear, sometime between 132 and 135), perhaps not sent by Shimon Bar Kochba, pace Cotton (2002), 357 note 12; P Yadin 52 (Greek, 135 CE) demanding wands and citrons “for the camp of the Jews” (*parembole iudaion*), perhaps an odd description in a communication addressed to two Jews of Ein Gedi. On these symbols, Y. Reis, “The Four Species. From the Temple to the Synagogue,” in *U-ve-hag Ha-Sukkot. Studies on the Festival of Sukkot*, ed. A. Bezek, R. Gafni and M. Munitz (Alon Shevot 2011), 195–216 (Heb).

¹¹⁹ J. Rubenstein, “The Sukkot Wine Libation,” in *Ki Baruch Hu. Ancient Near Eastern, Biblical, and Judaic Studies in honor of Baruch A. Levine*, ed. R. Chazan, W. W. Hallo and L. H. Schiffman (Winona Lake 1999), 575–91.

¹²⁰ Schäfer, “Bar Kokhba and the Rabbis,” in idem (ed.), *The Bar Kokhba War Reconsidered*, 9–11 [1–22] tends to minimize the “rabbinic” nature of Bar Kokhba’s celebration of sukkot, preferring eschatological rather than halakhic overtones. On the vision of the celebration as an invocation to harness divine power to the messianic struggle against Rome, Bergler, “Jesus,” note 41 in this chapter. On specific symbols and their meaning, S. Fine, “On the Development of a Symbol: The Date Palm in Roman Palestine and the Jews,” *JSP* 4 (1989), 105–18.

¹²¹ B. Zissu and A. Ganor, “Metal Utensils from the Time of the Bar Kokhba discovered in the Southern Judean Foothills, Israel,” *BABesch. Annual Papers on Mediterranean Archaeology* 79(2004), 111–21, on one such hiding complex that may have been in the center of a Roman camp, itself probably installed atop a Jewish settlement.

Rome during the previous revolt. Hence, a vision of the rebirth of a nation with its own language (Hebrew), customs and identity.

Children, too, participated in these festive marches as the Dura Europos paintings patently show. Boys were expected to shake *lulavim* as soon as they had command over bodily balance.¹²² And they had to discharge this liturgical responsibility according to specific guidelines.¹²³ Held aloft and waved by all participants at specific moments, the *lulav* would have been carried in public as celebrants were marching between home and synagogue (M Sukk 3.13). The Mishnah reports a disagreement between the two great houses of Hillel and Shammai over the question of whether an adult may carry a child (*katan*), a *lulav* or a Torah scroll in a public space on festive days such as Sukkot (M Bes 1.5). The house of Hillel allowed all three; that of Shammai forbade them. There is no indication of carrying both infants and *lulavim*, yet parental efforts to integrate children into the liturgical calendar were highly recommended (T Hag 1.3). At the end of the weeklong sukka celebration, children shared a ritual of dropping their palm branches and of eating their citrons, signaling the completion of both feasting and ritual.¹²⁴

The prayer (Hallel) that accompanies the *lulav* rituals acquired a specific manner of recitation in which children were instrumental:

Rabbi Akiva used to expound: when Israel [came out of Egypt] and crossed the sea the divine spirit descended on them and they burst in song. How did they sing? Like a child (*katan*) who leads the reading of the Hallel at school, with [all the children] responding to each and every verse. Moses said: I will sing to the Lord. Israel said: I will sing to the Lord (Ex 15:1) . . . Rabbi Eliezer son of Rabbi Jose the Galilean used to expound: [they sang] like an adult (*gadol*) who read the Hallel in the synagogue, and everyone responding to the beginning of every verse.¹²⁵

¹²² M Sukk 3.15; T Hag 1.1. Famously, the Elder Shammai insisted on a sukka of sorts even for a day-old child, his grandson, in spite of the rabbinic exemption of children, but only as long as they depend on their mothers, M Sukk 2.8. Chapter 3.

¹²³ S. Naeh, "One should wave the Lulav Three Times: A New Approach to the Baraita in Yerushalmi Sukka 3.9," in *Ke Tavor BeHarim. Studies in Rabbinic Literature Presented to Joseph Tabory*, ed. A. Atzmon and Tz. Shafir (Alon Shevot 2013), 89–98 (Heb).

¹²⁴ Rubenstein, *The History of Sukkot*, 116: "the reference in M Suk 4.7 (children, *tinokot*, dropping their *lulavim* and eating their *etrogim*) points to a Sukkot custom – at the completion of the circumambulations around the altar on the seventh day, and perhaps together with the beating of palm branches, children apparently engaged in some game with their *lulavs* and ate their *etrogs*. Exactly what they did is unclear. Perhaps they threw the *lulavim* down, or snatched them from one another, or untied the band that held the species together." BT Suk 46b implies that the children ate each other's *etrog* and snatched the *lulavim*. R. Patai, *Man and Temple* (New York 1947), 162–4 claims that the children threw down both *lulavs* and *etrogs* as part of a rainmaking ritual.

¹²⁵ T Sot. 6.2–3, MS Vienna, Lieberman, 183. Cf. M Sukk 3:10: a slave, a woman or a child (*katan*) recite [the Hallel] before [an adult], he must repeat what they say (since they are not obliged to recite this prayer and therefore cannot exempt others from this commandment, hence he must

Akiva was not only a contemporary of Bar Kokhba but reputedly his most ardent supporter among the rabbis who paid with his life for espousing the rebel's cause. The passage establishes two levels and two locations of the prayer's recitation, children and adults, school and synagogue. The mode and manner of this responsorial liturgy with its repetitive interaction between reader and public allowed for a general participation regardless of age or familiarity with every word of the prayer.¹²⁶

Summary

To what extent the experiences of Jesus son of Jesus and Babatha represent the hi/story of children whose families became involved in Jewish uprisings cannot be determined with any degree of certainty. The children of rabbinic Bethar provide poignancy to the anonymity which had descended on Jewish children who perished at the hands of the enemy. Jesus son of Babatha provides concreteness that is altogether absent from both Josephus' detailed account of the revolt against Rome in the first century and from the short notices regarding other Jewish revolts. In Josephus' *War* children emerge as a coherent category of victims. Their inclusion in the well-worn cliché of "woman and children" was calculated to enhance for readers the extent and horrors of a revolt.¹²⁷ These are all nameless children, helpless victims of Jewish divisiveness and Roman vindictiveness.

Jesus son of Babatha and Jesus represents an exception. He is named in documents, he appears with a genealogy and in my narrative he emerges as a capable child, willing and able to tell his own story. In the "clash of ancient civilizations" between Rome and Jerusalem, children like Jesus became unwitting warriors, exchanging a tranquil tenor of comfortable life for a refuge cave.¹²⁸ They enter the picture in the form of a hypothesis based on absence. Membership in the Jewish commonwealth remains predominantly male and adult. In wars, virility stands for courage, children and women for suffering passivity.

I have lifted children from a tradition of marginality not by verifying antithetical entities which are all too obvious (children-adults; girls-boys;

repeat verbatim what they say). If he fails to do so, it will be a curse. If an adult recited the Hallel, he responds "hallelouia" (and need not repeat what has been already recited since one recitation is sufficient even when the responder can read the prayer himself). See also Z. Zahavy, "From Temple to Synagogue. The Hallel in Early Rabbinic Judaism," in idem, *Studies in Jewish Prayer* (Lanham, London 1990), 95–102.

¹²⁶ Rubenstein, *Sukkot*, 158. ¹²⁷ War 4.115–16; 5.513–5.

¹²⁸ Echoing M. Goodman, *Rome and Jerusalem. The Clash of Ancient Civilizations* (London 2007).

Romans-Jews; etc.) but by postulating that the experiences here narrated could have been shared by other children. The documents pertaining to Jesus' family reflect not the brutalities of war but the anxieties accompanying ordinary transactions. His story is a discourse about growing up Jewish in the context of complex social relations in Arabian Mahoza and Judaeen Ein Gedi during an infancy spent in peace and an early adolescence passed in an era of war.

Passover in the Port of Rome (Ostia c. 175 CE)

When we came to that place where little boats were resting, propped on oak stilts to avoid soil rot we saw children (*pueri*) eagerly competing in a game of shell throwing into the sea. This is how it goes: they select from the shore a shell worn smooth by the beating of the waves, hold it with their fingers in a horizontal position and, bending low, they throw it over the waves in such a manner that it skims them waves or swims along, gliding with a gentle impulse, or it cuts the top of the waves rising up in continuous leaps. The winner of the contest is the child whose shells went the farthest with the greatest number of leaps.

(Minucius Felix, *Octavius* 3.5–6)

I would have given a great deal to know whether the playful children on the Ostian beach numbered Jewish boys and/or girls. When Meiggs appended the quotation from Minucius Felix (late second/early third century) to his 1973 bulky magnum opus, *Roman Ostia*, he showed not the least interest in the subjects of this engaging vignette. His interest resided in the location of the embankment and in the inactivity of boats which at that point in time (September) should have been at sea and not drawn up.¹ Equally scant was Meiggs' interest in the 1961 discovery of a synagogue in Ostia, in spite of numerous publications of its discoverer, Maria Floriani-Squarciapino, between 1961 and 1971.² But Meiggs did note that the synagogue was located "on a valuable site near the sea shore" (valuable to whom?) and that the name of its *archisynagogue*, Plotius Fortunatus, explains "why the Jews of Ostia were so elusive (since) it was common Jewish practice to adopt Roman names."³

¹ R. Meiggs, *Roman Ostia* (Oxford 1973), 490–3 Appendix IV. Noy, *JLWE* I.14 (Plotinus).

² Conveniently listed on the website *ostia-antica*.

³ *Roman Ostia*, 587–8. The large attached map does not unfortunately show the location of the synagogue. I am grateful to Michael White for forwarding a map showing the synagogue and its environs.

The synagogue deserved more space, not least because of its probable early date (late first/early second century CE) which, if correct, would constitute a fascinating exception in the general context of later Diaspora synagogues.⁴ My own interest in placing a child in Ostia around the third quarter of the second century CE during Passover stems from one paradox and several considerations. To begin with, since the appearance of Meiggs' *Roman Ostia*, the pace of publications, if not of excavations at Ostia, has gathered remarkable momentum, nicely reflected in the number of articles and monographs contained in the online bibliography, easily accessible online through the excellent website, *ostia-antica*. We are now in a position to refine much of Meiggs' work regarding building activities, the city's bakeries and brick factories, the individuals whose investment and labor contributed to Ostia's high profile in the second century and, last but not least, the synagogue and its users.⁵

Jewish Ostia presents a paradox. In spite of some 600 Jewish inscriptions recovered from nearby Rome and of many references to Rome's eleven synagogues, not a single trace of a synagogue has ever been unearthed in the imperial capital.⁶ The only synagogue known archaeologically from either Rome or its two ports, Ostia and Portus, is the one in Ostia. The timeframe chosen for the narrative is Passover, a feast that Jews would have celebrated around the Mediterranean. In Rome, we are informed that a local Passover custom sparked a controversy in faraway Palestine. Ostia, then, provides an opportunity to linger in a Diaspora community adjacent to the metropolis which boasted the largest continuous Jewish settlement in antiquity outside Palestine and Babylonia-Persia.

The following narrative is placed in the mouth (and hands) of a young bakery worker apprenticed to the only Jewish baker in town. Endowing the child with a baking apprenticeship was calculated to insert her into a well-researched Ostian landscape. The date, late second century (c. 175 CE),

⁴ The debate over the date of the Ostian synagogue continues unabated. It is about to be completely revised by Michael White, who asserts that the structure housing the synagogue was constructed no earlier than the third quarter of the second century and was used as a synagogue only in the fourth century (email communication). Cf. the date of the Stobi synagogue in Chapter 6.

⁵ Advances nicely illustrated in the 1996 volume honoring the "long haired professor" (il professore con i lunghi capelli), *Roman Ostia Revisited. Archaeological and Historical Papers in Memory of Russell Meiggs*, ed. A. G. Zevi and A. Claridge (London 1996). Nearly annually there is a new book on Ostia; among the recent crop, M. Bolder-Boos, *Ostia: der Hafen Roms* (Darmstadt 2014); D. Boin, *Ostia in Late Antiquity* (Cambridge 2013), and this chapter for further references.

⁶ H. J. Leon, *Jews of Ancient Rome*, 263–346, with drawings and photos, totaling 548; D. Noy, *JJWE II. The City of Rome* (Cambridge 1993), totaling 600. For a list of inscriptions referring to synagogues, M. Williams, "The Organization of Jewish Burials in Ancient Rome in Light of Evidence from Palestine and the Diaspora," *ZPE* 101 (1994), 166–8.

thought to be the tail-end of Ostia's heyday, was a period without rival in Ostia's history.⁷ It also coincided with the Antonine plague which the protagonist survived to celebrate Passover with her family on the *decennalia* of the emperor Marcus Aurelius.⁸

The Story of Proculina Daughter of Aquilina⁹

We live in the port town of the great capital of the empire, the biggest city of the Mediterranean. Our home and bakery are near the coastline, not far from the great baths of Porta Marina and from the grand house of the rich family that donated funds to build a synagogue near their home.¹⁰ Most Jews live in Rome but my family prefers Ostia, where we are leasing premises that produce the only kosher loaves in town. It is one of two bakeries in the south part of town, far from the city's commercial districts along the Tiber.¹¹ Ostia boasts many bakeries. Most are located in the center of town, close to the main grain depots. They vary in size: A few are really huge because they serve citizens who are entitled to free grain. There seem to be many of those; I mean free loafers.

My maternal grandmother had been a slave, captured when the Romans crushed the revolt led by the legendary Bar Kokhba. She was transported all the way from Judaea to Rome to be sold to a miller who freed her in his will.¹² Every Passover mother prays with fervor, remembering how fortunate we are to live free of the bonds of slavery. My name is Proculina and I am eleven years old. It is not exactly a Jewish name but mother wanted us to feel at home in the city which had been hospitable to us.

Our family, I am told, once belonged to the house of Garmu, famous bakers of the shewbread for the Temple in Jerusalem. In the days before the

⁷ Meiggs, *Ostia*, 78 for slackening pace in the second half of the second century following the Hadrianic rebuilding of the town, also estimating the more than doubling of the population from 20,000 at the end of the Republic to 50,000 by the first half of the second century.

⁸ C. Bruun, "The Antonine Plague in Rome and Ostia," *JRA* 16 (2003), 433–4 maintains that the effects of the plague in Ostia were considerably less serious than those felt in nearby Rome.

⁹ Names borrowed from Noy, *JWE* II, no. 72 (from Monteverde, third/fourth century).

¹⁰ M. Turci, "Un complesso termale tardo-antico Il balneum di Musciolus (IV, XV, 2) nel quartiere fuori Porta Marina," *MEFRA* 2014 (online), on an early imperial phase of unclear function.

¹¹ The reference is to the bakery Molino I, XII, 4, in J. T. Bakker, "Conclusions," in *The Mills Bakeries of Ostia. Description and Interpretation*, ed. J. T. Bakker (Amsterdam 1999), 113; plan on p. 114 (region IV) and *ibid.* for what follows about bakeries and granaries in Ostia.

¹² Strikingly, the Ostian necropolei of Porta Romana and the Vial Laurentina yielded information that points to an exceptionally high percentage of freedmen (*liberti*), prompting a hypothesis of a servile takeover of Ostian funerary spaces, M. Heinzlmann, "Les nécropolis d'Ostie: topographie, développement, architecture, structure sociale," in *Ostie port et Porte de la Rome antique*, ed. J.-P. Descoedres (Geneva 2001), 373–84 with Mouritsen's reservations, note 47 in this chapter.

Temple's destruction, the Garmu had been notorious because they refused to share the secret of baking this very special bread. And so did the house of Abtinai, whose members refused to divulge the secrets of the incense which they made for the Temple.¹³ The Abtinai behaved in this manner because they could foresee the destruction of Jerusalem and believed it fruitless to pass on the trade of generations of incense makers. Their children never wore fine perfume in public. My own ancestors, when they were my age, were never seen in public with fine bread in their hands. We have maintained this tradition even in Ostia.¹⁴ In those remote days of our legendary Temple, children of both the Garmu and the Abtinai clans were too well bred to boast about the unique skills which their family possessed. I am proud of my heritage and of the baking profession which my family had been practicing since time immemorial.

When the Temple in Jerusalem was destroyed in the days of the emperor Vespasian, father's great grandfather escaped from Jerusalem to the Nabatean kingdom on the other side of the Dead Sea. There he settled in the town of Zoar, married a local woman who owned plantations, and continued to bake, but never a shewbread. His son, father's father, married a woman who hailed from Judaeen Ein Gedi. When Bar Kokhba called on all Jewish men to fight for freedom from Roman tyranny he joined the rebels and moved with his wife and young son to her village. He was the only one who was able to flee the refuge cave where he and others had been hiding for weeks, slowly running out of food and then water. His wife and son perished. Fearing retribution if he returned to his Nabatean-Arabian home, now controlled by the Romans, he decided to seek his fortune far away from the never-ending turbulent region of his birth. Somehow he ended up in Ostia in one of its countless mills bakeries and there he started a family with my grandmother, who was also a baker, albeit not of such distinguished ancestry. All this happened long before my birth, in the days of the much-hated Hadrian, may his bones turn to dust. According to my mother, I was born in the third month of the last year of the reign of the emperor Antoninus, who succeeded Hadrian. He was good to our people.

Mother is the storyteller in our family. Her stories always have a moral aimed at us children. She is especially fond of tales that feature people like

¹³ M Yoma 3.11; T Yom 3.9; PT Yom 3.9; R. A. Ohrenstein, B. L. J. Gordon, *Economic Analysis in Talmudic Literature: Rabbinic Thought in the Light of Modern Economics*, third edn. (Leiden 2009), 152–4 on these passages as reflections of a labor dispute.

¹⁴ M Yoma 3.11; Song of Songs Rabbah III, with D. A. Green, *The Aroma of Righteousness. Scent and Seduction in Rabbinic Life and Literature* (University Park 2011), 143–5, and 245 note 88 on the late insertion of “child/ren” into the Midrash.

us, hardworking mills-bakers. One of her often repeated stories goes like this:

A son can feed his father on fattened chicken and inherit hell. A daughter can put her father to work in a mill and inherit paradise. How come? It once happened that when a boy was feeding his father a fattened chicken his father asked him: Where did it come from? The boy replied: Eat and say nothing, you old man. Be like this dog who eats and is silent. What is the lesson, children, of this tale? He may feed his father fattened chickens and still will inherit hell. How come that a daughter who bonds her father to the harshest labor in a mill can inherit paradise? Once there was a man who was a miller. A command came to recruit all millers to work for the king. The daughter said to her father: Father, come and mill here in my stead so that I can be recruited for the kingdom. I hear that they mistreat workers and so I will be the one mistreated and not you. Does she not deserve to inherit paradise?¹⁵

Brother and I used to exchange glances when mother ended her story, I with a smirk on my face and he with a dreamy look since he is rather fond of chickens. Neither of us dreamt about dishonoring our parents. Our secret wish, which we dared not share with our parents, was that one day we will be honored among the city's officials, our names inscribed on marble for everyone to admire. We often fantasize about becoming the city's *duoviri*, like the Lucilii Gamalae, although I knew that girls were not likely to be included in our *fasti*. Yet, I also knew that rich Jewish children could become honorary officers of the synagogue, and that a member of the Gamala clan was just appointed as *tabularum et librorum curator primus*, a long title of whose meaning we were uncertain.¹⁶ It had something to do with keeping the public records in town. If a Gamala can do it, why not a Garmu?

We all work hard, mother, father, grandmother and my younger brother. As soon as mother introduced me to baking I was taught how to set aside a portion for priests (*teruma*), although only a few in town can lay a valid claim to priestly genealogy. Nevertheless, my family, so proud of its ancestry, is careful to keep the Law. There is much to learn in our profession.¹⁷ We must ensure that we never run out of flour and

¹⁵ PT Peah 1.1 with liberties. On this passage, G. Blidstein, *Honor thy Father and Mother. Filial Responsibility in Jewish Law and Ethics*. Augmented Edition (Jersey City 2005), 54.

¹⁶ Meiggs, 185 without further explanation other than the fact that the Antonine Gamala is the only known office holder and that its function is obscure.

¹⁷ The most detailed and often abstruse treatise on everything to do with baking is still S. Krauss, *Talmudic Archaeology* (1929) II, 153–95 (Heb); a readable account is J. Cooper, *Eat and Be Satisfied: A Social History of Jewish Food* (Northvale 1993), 37–42 on bread and grain.

consequently we are always running after wheat (T Dem 4.13). Already as infants we learnt how to distinguish between different types of wheat, and between the size and shape of loaves. In our home-bakery we have to grind ourselves because if we use a mill belonging to a gentile the flour is deemed unclean (T Dem 4.27). We have three slaves to help in this process, although we alone engage in the preparations of the unleavened bread for Passover.

In front of our shop a big dog usually dozes. I know why he likes the spot. If I am alone in the shop and happen to doze off myself, the dog tilts the counter in the front and knocks a loaf to the ground. When customers come he sneaks away with his prize, giving me no time to chase him.¹⁸ Not far from our premises is a business operated by women. They are not bakers but brick producers. Everywhere someone seems to build something and there is a huge demand for bricks.¹⁹ Many people are employed in the brick workshops because rich Romans are avid builders. The demand for bricks had grown dramatically, my grandmother tells me, after the great fire that consumed so much of the city in the days of the emperor Nero.

Tonight we are celebrating the Seder after a week of cleaning our home of every leavened item. All night we baked the unleavened bread. I am quite tired but I know that brother and I will have wonderful sweets to keep us awake during the long Seder. Father will be roasting a whole lamb shortly. We will be a dozen at the table, including our relatives from Rome. It will be a happy reunion overshadowed by one sad memory: the loss of one of their daughters a few months ago. She was my age, eleven years, two months and twenty-one days, when she died during the terrible plague. We attended her funeral at the cemetery in the Ianiculum vicinity (the modern Monteverde).²⁰ The ceremony was short. We accompanied her bier to an underground burial in the catacombs, where her father talked

¹⁸ GenR 22.6 specifically recounted on dogs in Rome with Rozenfeld, *Markets*, 107.

¹⁹ P. Setälä, "Women and Brick Production – Some New Aspects," in *Women, Wealth and Power in the Roman Empire*, ed. P. Setälä et al. (Rome 2002), 181–201. In general on this industry, T. Helen, *Organization of Roman Brick Production in the First and Second Centuries. An Interpretation of Roman Brick Stamps* (Helsinki 1975); J. DeLaine, "Building Activity in Ostia in the Second Century AD," in *Ostia e Portus nelle loro relazioni con Roma*, ed. C. Bruun and G. Zevi (Rome 2001), 41–101 (among her other contributions to the study of Ostia).

²⁰ Best map and pictures of the Monteverde neighborhood on airbnb site (sic!). On the catacombs, J. D. Russo, "The Monteverde Jewish Catacombs on the Via Portuense," *Roma Subterranea Judaica* 4 (2010), available online with other publications of the International Catacomb Society. L. Rutgers, "Dating the Catacombs of Ancient Rome," in idem, *The Hidden Heritage of Diaspora Judaism* (Leiden 1998), 45–72; Rutgers et al., "Radiocarbon Dates from the Jewish Catacombs of Rome," *Radiocarbon* 44 (2002), 541–7 for beginnings in the first century CE.

about her attainments and how their hopes for seeing her married and with her own children had been dashed by her untimely death. Everyone was in tears.

I remember looking at her memorial. All it said was: "Faustina, age eight, lies here. She sleeps in peace."²¹ These words were inscribed in our language, Greek, the language that distinguishes us from Ostia's Roman residents, although shared with many other immigrants in our city.²² I could also discern a word in an unfamiliar language, Hebrew, as father whispered in my ear. It simply stated: Israel. Also distinguishable were the symbols of our faith which were inscribed on Faustina's grave, a *menorah* (candelabra) of seven branches and a *lulav*. Farewell Faustina. I will never forget you.

Tonight, however, we must all rejoice as we celebrate the freedom so unexpectedly bestowed on our ancestors in Egypt so long ago. I can already smell the roasting meat. It will be a real diet change from our usual one which includes, besides bakery items, fish from the sea and the river. Because of its sandy seabed our town is not rich in valuable sea fish but we do get excellent sole and prawns, the latter, however, according to father, are unwelcome on Jewish tables.²³ We also have bass from the Tiber. I like fish, especially if prepared the way mother does on Friday for our Sabbath meals. To roast the Passover meat father is following the advice of Todos of Rome, and a whole lamb has been roasting since last night.²⁴ This is the way Passover had been celebrated in the Temple in Jerusalem and this is the way that we, Jews of Italy, remember the miracles which God had wrought for our forefathers in Egypt and in the Promised Land. Brother and I are thrilled because we will have the opportunity to ask questions about this special night and its special food. I am looking forward to eating meat since most days we eat baked goods and vegetables.²⁵ I am not looking

²¹ Formula based on Noy, *JJWE* II, 41 and 186.

²² G. Walser, "The Greek of the Jews in Ancient Rome," in *The Synagogue of Ancient Ostia and the Jews of Rome*, ed. B. Olsson, D. Mitternacht and O. Brandt (Stockholm 2001), 145–50 with a useful summary of contrasting opinions regarding the link between linguistic choices (or rather, the epigraphic habit) and social class.

²³ Pliny, Ep. 2.17, G. Boetto, "Fishing Vessels in Antiquity: The Archaeological Evidence from Ostia," in *Ancient Nets and Fishing Gear*, ed. T. Bekker-Nielson and D. Bernal Casasola (Aarhus 2010), 253.

²⁴ J. Tabory, "The Passover Eve Ceremony – An Historical Outline," *Immanuel* 12 (1981), 32–43 for an excellent introduction to the order, food and rituals of Passover eve.

²⁵ The analysis of some 800 skeletons from the cemetery of Isola Sacra between Ostia and Portus shows that the 334 defined as "sub-adults" (infants, children, adolescents) had predominantly a diet resembling vegetarianism with little fish or meat, although the last component expanded with age, R. Laurence, *Roman Archaeology for Historians*, 116f. Note, too, that about one third were nonnatives, suggesting that not only adults but also children migrated, Laurence, *ibid*.

forward to pressing the oven's ashes because on a festival it is forbidden to rake an oven.²⁶

Night falls as we are gathered, now scrubbed and washed, and wearing our special Sabbath garments. In the dining area of our home the Seder plate is beautifully arranged on the main table. I watch as

Our guests enter and sit on stools and chairs till we are all assembled. Then water is brought and each one washes one hand. When the wine is brought each one says a blessing for himself. Then all the adults go up to recline and once again they wash their hands, this time both hands. When wine is brought yet again each one says the blessing on behalf of all.²⁷

Father blesses over the first cup of wine. The adults drink reclining and we children sit on a small bench. I feel a bit dizzy since I have not had much food that day. Mother gives me nuts. Then we wash our hands. The children's turn soon comes. "How is the night different from all other nights?" each of us chants as a small table with the item about which we ask is placed in front of us and quickly removed so that we notice that something is really different tonight.²⁸ We taste each of the items on the Seder plate. Then comes another big moment for us. There are exactly four children at the Seder, and each of us gets to be one of the Haggadah's four children. I am selected as the wicked one because I am always asking questions that seem to annoy adults. My brother is "the one who knows not how to ask." The children guests are the wise and the simple. With a smile, father warns me that had I been in Egypt with our ancestors I would not have been redeemed. Since we are in Ostia I need not worry. It would have been another matter had we been living in Jerusalem at the time of the Temple because then children, well boys rather, were encouraged to race each other and the winner got his brothers' share of the meat.²⁹

Throughout the evening we consume the unleavened bread (*matza*). I like its taste. We have a whole week of *matza* ahead of us. I wonder if we will have Syrian cakes for dessert during the week of Passover. These are cakes made with spongy dough and dipped in honey which we shape into figurines (*srikin metzuyarim*).³⁰ They are best eaten when freshly baked.

²⁶ M Bes 4.5; PT Bes 4.5 where the daughter of Rabbi Hiyya questions this rule, with Hauptman, "A New View of Women and Torah Study," 259–60.

²⁷ BT Ber 43a (an anonymous baraita), Soncino, modified.

²⁸ BT Pes 115b, admittedly a later Babylonian custom.

²⁹ M Pes 8.3, D. Instone-Brewer, *Traditions of the Rabbis from the Era of the New Testament 2A. Feasts and Sabbaths. Passover and Atonement* (Grand Rapids 2011), 153–4.

³⁰ BT Pes 37a for what follows. See also C. Hezser, "Passover and Social Equality. Women, Slaves and Minors in *Bavli Pesahim*," in *A Feminist Commentary on the Babylonian Talmud. Introduction and Studies*, ed. T. Ilan et al. (Tübingen 2007), 100.

Father explained that when the famous Boethus son of Zonin consulted the sages whether these cakes can be made on Passover, some said that it was forbidden because we, girls, could take our time to fashion the dough into figures and may consequently cause the dough to turn leaven. Boethus responded that we can prepare molds in advance and need not tarry. Then somebody relented and ruled that Syrian cakes shaped into figurines are forbidden on Passover but not those of Boethus! I am not sure what was meant but father added that even in the house of the great Rabban Gamaliel Syrian cakes were served on Passover. When Gamaliel was asked whether these were not forbidden on Passover, he responded that the prohibition related only to bakers and not to private individuals. Go figure.

Mother had prepared a wonderful meal, which is eagerly consumed. Finally, father says the last blessing over the food and the Hallel (praise) prayer. We, children, full of good food, wine and matza are ready to fall asleep. The Seder is over.

The Labor Force: Baking and Children as Bakers

As one of three staple foods, bread, its baking and its marketing received ample attention in rabbinic literature.³¹ In Roman Palestine bread was baked mostly at home and predominantly by females, probably of all ages. Grinding and baking were listed as two marital obligations of prospective wives unless they brought with them one slave to their husband's household (M Ket 5.5).³² Instructions regarding dough offering (*hallah*) specifically referred to the role of women in providing the family with baked bread as well as in selling bread in the market:

[Rules relating to] women (*nashim*) who hand dough over to a [professional] baker in order to make leaven (*seor*) for them. If not a single one [of the dough portions] is of the prescribed measure, it is exempt from dough offering (M Hall 1.7) . . . The measure prescribed for the dough offering is one twenty fourth part. This is the case when a man who prepares the dough for himself or for his son's [wedding] banquet (*mishteh*). A baker preparing dough to sell in the market, as well as a female who prepares it to sell in the market, the offering may be one forty-eighth part. If her dough is rendered unclean (*tameh*) through her error or constraint the offering may be one

³¹ For much of what follows I rely on B.-T. Rozenfeld and J. Menirav, *Markets and Marketing in Roman Palestine* (Leiden 2005), 94–114. In general, P. Erdkamp, *The Grain Market in the Roman Empire: A Social, Political, and Economic Study* (Cambridge 2005).

³² Chapter 4.

forty eighth part; but if it is rendered unclean through willfully it must be one twenty fourth part so that no sinner can gain. (M Hall 2.7)

Behind the ultimate baking stage was an elaborate process involving several steps: grinding (often in mills-bakeries), bringing the flour to a baker, professional preparation of a single heap of dough from all the flour received, apportioning an offering where relevant (namely if the dough meets the minimal size), baking and collecting baked bread from the baker. At the end of the process, the leaven was distributed among customers according to each one's original measure. Specific instructions ensured an offering of a small portion to priests and the poor, and an even smaller one when one's livelihood depended on selling the bread. Avoidance of an offering, if deemed willful, was penalized by allocating a larger portion as an offering, the same as in the case of home consumption.

Rabbinic rules relating to bread baking suggest that at some stage (c. 300?) the entire process was implemented in professional bakeries:

A man stole a measure (*se'a*) of wheat and took it to a baker, then set aside the appropriate tithe and fed the bread to his children. His prayer [over the food] is like a curse rather than a blessing.³³

The rule provides an example of the fine line between discharging a blessing and effecting a curse. Grain stealing, condemned because it was basically a crime, points to striking poverty. Stealing wheat was deemed a half-baked sin since one could feed one's children with seeds. These had to be taken to a bakery for professional baking. It is difficult to assess which action is condemned, the theft of wheat albeit to feed hungry children, or the punctual discharge of a religious obligation of a stolen item. Cases like these combine insights into the life of children fed through a theft, and domestic religiosity. Perhaps these rules account for the rabbinic recommendation to avoid bakeries altogether in favor of bread baked solely at home.³⁴

Guidelines relating to setting up baking apparatus in the private domain point to baking as a home industry requiring safety regulations. Thus people were urged not to place an oven inside their house unless there was an appropriate space above it to contain fire, nor to set it in an upper room unless it was properly insulated or ventilated. One rabbinic disagreement regarding damages hinged on the question of whether restitution was mandatory if one did follow the rules (M BB 2.2). Professional bakeries

³³ PT San 1.1, Rozenfeld/Menirav, *Markets*, 97.

³⁴ ARN A 30 as cited and quoted in *Markets*, 98, with translation based on Neusner.

were closely integrated into the inhabited landscape. They could be located in a courtyard, where, in spite of the noises which they raised during the hours of grinding, the residents had no room to complain, just as they could not object to the noise raised by children reciting lessons in leased school premises (M BB 2.3). Because setting up a bakery required substantial initial investment, the rabbis recommended a longer lease than usual (three years instead of one) for a professional bakery established in either a small town or a big city.³⁵

In Roman Palestine bread was available in several types of shopping venues, one labelled *palter*, a term which apparently applied to a store where all kinds of merchandise, including bread, were sold in small quantities. Even children were counted among the *palter's* customers and as operators of such stalls.³⁶

Regarding the case of five brothers who were picking vegetables (T Shev 6.22). One of them may sell on behalf of all. Rabbi Yose son of Rabbi Bun says: This is so if they do not designate him as a permanent distributor since he may not sell in the same place through the day. Others contend that it is because he may not sell all day even if he is not always in the same place.³⁷

The age of the brothers in question is not disclosed. They could have been minors. The location discussed was probably Caesarea, the largest of Palestinian cities in late antiquity, a fact which would have accounted for the mobility of vendors and the variety of items sold.

In Ostia, the baking landscape consisted of enormous mills-bakeries. Excavations and surveys have unearthed several which had been installed in the course of the second century.³⁸ Most mills-bakeries were clustered at the center of town, next to sizable horrea (grain depots) from which they derived the necessary raw materials. A few bakeries would have been state-owned, intended to supply the needs of the vigiles and the fleet stationed in Ostia; other bakeries were in private hands, presumably serving the population at large.³⁹ Members of the baking profession were organized in a guild in which both freedmen and freeborn citizens could become members.⁴⁰

³⁵ M BM 8.6; T BM 8.27; BT BM 101b; Rozenfeld, 95–6. Cf. Trajanic rules which granted citizenship to Latins who set up mills and mill grains for three consecutive years, Gaius, Inst. 1.34 with B. Sirks, "On the Emperor's Service. The Corpus Pistorum of Ostia and Portus Uterque from the Juridical Perspective," in *The Mills-Bakeries of Ostia*, 103.

³⁶ Rozenfeld/Menirav, *Markets*, 108–9. ³⁷ PT Shev 7.4 with *Markets*, 105–6.

³⁸ Bakker, *inf.*, estimating the total to be at least twenty in the second century. Plan showing bakeries, horrea, scattered millstones and kneading machines on p. 114. In general, L. A. Moritz, *Grain-Mills and Flour in Classical Antiquity* (Oxford 1958).

³⁹ Meiggs, *Ostia*, 304–7. ⁴⁰ *Ibid.*, 316.

That children were involved in all aspects of the labor linked with milling and baking is strikingly seen on both a black and white mosaic and a mural, both from Ostia, and both displaying the all-important acts of measuring and loading grain.⁴¹ The mosaic, unearthed in the so-called Aula Mensores, highlights the complex process of measurement. A corn measurer, holding a leveling stick, is seen ready to measure the grain carried by a saccarius. A child, positioned squarely at the center of the action, is apparently ready to count the number of sacks of grain with a tallies held in its left hand, while pointing upward with the index finger of his right hand, as though signaling a successful completion of this round. These were the *ensores frumentarii*, who measured the grain in the headquarters of their guild (the *corpus mensorum*). On the mural the children are aboard a ship, the *Isis Giminiana*, where the grain is measured by two adults in the company of an adolescent holding the familiar tallies and two children on each side of the ship, one gesturing at the man counting grain, the other holding on to an oar.⁴²

If the Jewish community at Ostia had settled in the area which later housed the refurbished synagogue of late antiquity (Regio IV), the nearest known bakery (Molino I. XIII, 4, Trajanic-Hadrianic) was located in a different section of the city altogether (north of the Porta Laurentina). This means that the needs of Jews in Ostia could not have been supplied by the Molino I bakery, hence the conjectured presence of the bakery which I created for Proculina in Regio IV. In spite of its proximity to the coast, Regio IV was not as close to the central grain depot as were the mills-bakeries mapped thus far.

On the Presence of Jews in Ostia

The appearance in the late Republic of an Ostian clan, the Lucilii Gamalae, whose members held important local offices for two centuries,

⁴¹ The mosaic, and the wall painting depicting the *Isis Giminiana*, are handily seen on countless web images, including www.romeartlover.it/Newostil.html, and www.ostia-antica.org/regio1/19/19-1. Cf. the palate of professions in which children were engaged, listed in C. Laes, "Children and their Occupations in the City of Rome (300–700 CE)," in *Children and Family in Late Antiquity* (2015), 79–109. For Egypt see C. Freu, "Apprendre et exercer un métier dans l'Égypte romaine (I^{er}–VI^e siècles ap. J.-C.)," in *Les savoirs professionnels des hommes de métier romains*, ed. N. Tran and N. Monteix (Naples-Rome 2011), 27–40. See also Chapter 2.

⁴² Meiggs, 294, also commenting on the "unexpected shape" of the sail-less river boat. On the entire process in Ostia see G. E. Rickman, *Roman Granaries and Store Buildings* (Cambridge 1971), 15–85. I am unclear why J. Clarke, *Art in the Lives of Ordinary Romans*, 127–8 describes the child as raising his right hand as though greeting viewers.

has been taken, and alternatively dismissed, as proof of Jewish presence in the city. Since Mommsen, the derivation of the rare and distinctive cognomen, Gamalae, from the Galilean town of Gamla, has been accepted.⁴³ It has been assumed that a Roman named Publius Lucilius bought a slave from Gamla, presumably after its fall in 67 CE during the Neronian war with Rome, and named him after his town of origin. Upon manumission, the name remained. Alternatively, the first Gamala could have reached Ostian shores on his or her own accord as early as the middle of the first century BCE, following Pompey's march throughout the Levant.

"If this explanation of the name was correct we should have to modify our general impression of the Ostian governing class of the early empire . . . The climate [of the Julio-Claudian era] could not have been unfavorable [to Jews] if the family made no attempt to conceal its eastern servile origin by a change of name."⁴⁴ Meiggs, however, believed that the name is of Ligurian rather than Judaeic origin, a conviction that does not entirely do away with an eastern rather than an Italian origin. In rabbinic sources the name Gamla is linked with the famous Joshua son of Gamla (or Gamaliel), a priest and an educational reformer who lived around the middle of the first century CE.⁴⁵ Gamla is also attested as a personal name on an ossuary from Jerusalem commemorating the passing of Shelamzion daughter of Gamla and wife of Yehoezer son of "Kallon."⁴⁶ The possibility that a member of these families had left Judaea for the fair shores of Italy cannot be established nor entirely dismissed. The town of Gamla, if it had been the Galilean site that lent its name to the Lucilii Gamalae of Ostia, had been added to the kingdom of the Maccabean Jannaeus only in the early first century BCE and Judaized thenceforth.⁴⁷

The presence of Jews in Rome is attested, sporadically, already from the second century BCE, mostly as partners to wholesale expulsion of

⁴³ Meiggs, 193–4; 199–200; and recently, I. Manzini, "I Lucilii Gamalae a Ostia," *MEFRA* 126 (2014), 55–68, for what follows.

⁴⁴ Meiggs, *ibid.*

⁴⁵ BT BB 21a, a third-century tradition preserved in the Babylonian Talmud, Goodblatt, *The Monarchic Principle*, 145; Hezser, *Literacy*, 40–6 doubting both reforms and their connection with ben Gamla. M Yev 6.4 (and not 4.6 pace Goodblatt, 145) refers to the appointment of Joshua son of Gamla as the Great Priest in the Temple. A "son of Gamla" (ben gamla) is mentioned in M Yoma 3.9 likewise in connection with serving in the Temple.

⁴⁶ R. Hachlili, *Jewish Funerary Customs, Practices and Rites in the Second Temple Period* (Leiden 2005), 273 for a reconstructed family tree.

⁴⁷ U. Liebner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee* (Tübingen 2009), 324 note 16.

foreigners from Rome.⁴⁸ Individuals are amply attested and their careers indicate, perhaps, a general tenor of development. A Judaeen noble from Jericho, Natan'el son of Shlomzion of the Goliath family, was sold at Rome and manumitted by the empress Agrippina around the middle of the first century. He was buried in his ancestral home back in Jericho, where his inscribed ossuary blandly labelled him as "Theodotus freedman of Queen Agrippina."⁴⁹ Theodotus is the exact equivalent of his Hebrew given name.

Early imperial Jewish presence in Ostia has received an unexpected corroboration with the recent unearthing of an inscription dated to the beginning/middle of the first century.⁵⁰ It contains the names of Q. Fabius Longor, Caninia and Alfidia Grapte. At the bottom of the surviving section is a critical term of affiliation, IUDAEI.⁵¹ It is unclear how many of those named on the inscription were former slaves (*liberti*), nor whether Alfidia Grapte was the wife of a freedman manumitted by W. Fabius Longus and his wife Caninia Longa. The *nomen* Alfidia, apparently quite rare, belongs to names familiar from the gens Claudia to which Livia, Augustus' wife, belonged. Grapte is a name familiar from the archives of the Judaeen desert, where one of the caves harbored documents belonging to Salome Grapte. She was a widow of means from Arabian Mahoza. Among the documents was a living will (127 CE) meant to ensure the inheritance of her daughter, Salome Komais.⁵² That Alfidia Grapte of Ostia was a Jew seems not in doubt.

Perhaps all the persons whose names were inscribed on this Ostian stone belonged to the Jewish community of Ostia. Like the Gamalae, the Fabii Longi probably belonged to the local Ostian aristocracy. Unlike the Gamalae who seemed satisfied attaining local magistracies, the Fabii

⁴⁸ E. Gruen, "The Jews in Rome," in idem, *Diaspora. Jews Amidst Greeks and Romans* (Cambridge 2002), 15–53; T. Ilan, "Die Juden im antiken Rom und ihr kulturelles Erbe," in "Wie schön sind deine Zelte, Jakob, deine Wohnungen, Israel! (Num 24:5). Beiträge zur Geschichte jüdisch-europäischer Kultur" (Frankfurt aM 2009), 47–78; Leon, *Jews of Rome*; Rutgers, *Jews in Late Ancient Rome* (Leiden 1995).

⁴⁹ Hachlili, 183–5. The Agrippina is identified with Agrippina the young, wife of Claudius and mother of Nero, Augusta 50–59 CE.

⁵⁰ F. Zevi, "I Fabii ostiensi e gli Ebrei di Ostia," *MEFRA* 126 (2014) online, for what follows.

⁵¹ HIC SIT[i sunt]

Q. FABIVS LONGORV[m l(ibertus) –]

CANINIA LONGO[rum l(iberta) –]

ALFIDIA GRAPTE UXOR [sua et]

MATER FABIO L[ongo f(ilio)]

IUDAEI[–]. Reproduced from the website of www.ostia-antica (archaeological news, July 4, 2008).

⁵² H. Cotton, "The Archive of Samome Komais," *ZPE* 1995; C. P. Jones, "Salome also called Grapte," *SCI* 21 (2002), 165–98.

boasted a consul in 148 CE whose daughter (or wife) left a capital endowment to provide for the maintenance of one hundred Ostian girls.⁵³ Whether the family's evergetism extended to endowing a synagogue in the late second century is an attractive proposition, although according to recent calculations this could not have been the synagogue excavated by Maria Floriani-Squarciapino and Michael White. Perhaps the Jews of Ostia had several synagogues at their disposal.

A fragmentary inscription from Castel Porziano, south of Ostia on the Via Severiana, refers to a land grant to a *gerusiarch* (head of a council) with the strikingly Latin *tria nomina* of C. Iulius Iustus. He seemed to have been a member of an Ostian Jewish association, possibly linked with a local synagogue, who built a "monument" (*munimentum*, a burial?) for himself, his wife and his freed slaves.⁵⁴ The inscription specifies the exact size allocated to Iustus' household, a common epigraphic reference on Ostian funerary inscriptions aimed at preventing an encroachment of neighboring tombs.⁵⁵

Slaves would have reached Ostia from a variety of sources, including through the sale and exposure of children. Although slave ownership was widespread and slaves were owned by individuals, by public bodies and by the imperial house, Ostian slave householding was modest in Roman terms, likely due to the size of domestic spaces.⁵⁶ In the second century, most of the traders and businessmen of Ostia lived in five- to twelve-roomed apartments which would have housed a maximum of twenty slaves.⁵⁷ The family size itself would have been fairly small. There is no trace of any family with more than five children, and only four are known to have had more than three. Small families with one or two children were probably the norm among the free population.⁵⁸ Home-born slaves, although belonging to their owners, often remained with their parents. The funerary inscription of Lucius Calpurnius Chius lists four children, three born in slavery, the fourth after Chius was freed.⁵⁹

⁵³ Meiggs, 199; R. Duncan-Jones, "An Epigraphic Survey of Costs in Roman Italy," *Papers of the British School at Rome* 33 (1965), 296 nos. 641, an alimentary donation emulating the *puellae faustinianae* set up by Antoninus Pius in memory of the Elder Faustine, who died in 140/1.

⁵⁴ Noy, *JWE* I, 18 (second century?); L. M. White, "Synagogue and Society in Imperial Ostia: Archaeological and Epigraphical Evidence," *HTR* 90 (1997), 42–8, for an Hadrianic to early Antonine date, 117–160 CE. On the Roman *gerusia* and *gerusiarchs*, Leon, *Jews of Rome*, 180–3; on the uncertain association of this office with synagogues outside Rome and Alexandria, Levine, *The Ancient Synagogue* (New Haven 2000), 389.

⁵⁵ H. Mouritsen, "Freedmen and Freeborn in the Necropolis of Imperial Ostia," *ZPE* 150 (2004), 288.

⁵⁶ Meiggs, 225–6. ⁵⁷ Ibid., 226. ⁵⁸ Meiggs, 233. ⁵⁹ CIL 14.309, Meiggs, 228.

Ostia boasted at least one synagogue, a structure tactfully tucked away from the busy commercial center of the city, beyond the city walls, and right on the beach. Next to it was a spacious mid-second-century building (c. 12x15 m.) of uncertain use, later converted into a thermal establishment and dubbed the Baths of Musiciolus. It has a wall which has been dated to the late first/early second century, thus representing the earlier phase of the extra muros area north of the Via Severiana. This wall joined the earliest phase of the synagogue, both structures planted in an area that would have been sparsely populated up to that point. Not far from these two was the Bath of the Porta Marina, which, like the synagogue, straddled the coast line. Between the two bathing establishments was a villa suburbana, an exceptionally large and luxurious structure. It was constructed at the end of the first century and underwent marbalization in the second half of the second century.⁶⁰ The discovery, at the start of the century, hints at a landscape that was fast filling up with public and domestic structures. The synagogue itself has generated several distinct and apparently irreconcilable interpretations, hinging on date, purpose of the “original” structure and its stages of development.⁶¹ Little has been said about its users or how the earliest synagogue was used.⁶²

Only a handful of Jewish inscriptions have been recovered from Ostia and its environs, dating from the second to the fourth century.⁶³ Of these, one was reused in the late ancient synagogue. It bore two inscriptions, in Greek and in Latin, a symbiosis that reflects not contemporaneity but the individual preferences of the two persons who paid for the ark of the synagogue: an original donor c. 100 CE, and later one c. 300.⁶⁴ Another, a mid-third century inscription, refers to a pantomimus named Marcus Aurelius Pylades son of Juda, who had far-flung connections with the Near

⁶⁰ M. Heizelmann, “Bauboom und urbanistische Defizite – zur städtebaulichen Entwicklung Ostias im 3 Jh.,” in *Ostia e Portus nelle loro relazioni con Roma*, ed. C. Bruun, A. G. Zevi (Instituti Romani Finlandiae 27, 2002), 103–21.

⁶¹ Usefully summarized by D. Mitternacht, “Current Views on the Synagogue of Ostia Antica and the Jews of Rome and Ostia,” in *The Ancient Synagogue: From Its Origins until 200 CE* (2003), 521–71, esp. 533–44, 552, espousing a date of 60–80 CE for the first synagogue.

⁶² I. von Götz-Wrisberg, “A Sabbath Service in Ostia: What do we Know about the Ancient Synagogue Service,” in *The Synagogue of Ancient Ostia and the Jews of Rome: Interdisciplinary Studies*, ed. B. Olsson, O. Brandt and D. Mitternacht (Stockholm 2001), 167–202; Mitternacht, 559–63.

⁶³ Noy, *JJWE* I. 13–18, including Portus, and frankly a drop in the ocean by comparison with the number of inscriptions found in the city, and with the 6900 identifiable as Ostian. L. B. van der Meer, *Ostia Speaks. Inscriptions, Buildings and Spaces in Rome’s Main Port* (Leuven 2012); O. Salomies, “People in Ostia. Some onomastic observations and comparisons with Rome,” in *Ostia e Portus nelle loro relazioni con Roma*, 135–59.

⁶⁴ Noy, *JJWE* I.15.

East (Ascalon, Scythopolis, Damascus). Unlike the overwhelming majority of Rome's Jewish inscriptions, which are in Greek, the Ostian ones are mostly in Latin, although the sample is so small that the Latinization or Romanization of Ostian Jews remains no more than an intriguing inference.

Rabbinic literature preserves a handful of references that hint at contacts between Palestine and the Italian-Roman Diaspora. Apparently, there were regular visits of sages to Rome. "Elders" in Rome were consulted about matters relating to paganism.⁶⁵ One anecdote relates that when three famous rabbis reached the shores of Italy from Palestine they beheld a sight not unlike the one reported by Minucius Felix:

When R. Eliezer, R. Joshua, and Rabbi Gamaliel were traveling to Rome, they encountered small children who were making piles [of sand] and saying: This is what children of the land of Israel do. This is [what they set aside] for *teruma* (heave offering) and this is what they set aside for tithe (*maaser*). There upon the rabbis concluded that there were Jews living there. (PT San 7.13)

We do not know whether the children were playing on the coast of Ostia or if the rabbinic excursion to Rome, at a date that would have corresponded with the late first century, ever took place. Nor do we need to reject the veracity of such visits. Curiosity about the fate of the Temple's vessels, if nothing else, would have triggered a journey from Palestine. Merchants and traders probably regularly flocked to Rome; Travelers would have reached the shores of Italy at Ostia, Portus or Brindisi.⁶⁶

The visiting sages had other surprises in store when they headed away from the playful children to a house where they were invited to dine. Pondering local customs of hospitality, the rabbis observed that each of the dishes served reached the dining room via a small side room. They suspected that the food which they were to consume had been first sacrificed to an idol, but their host explained that the diversion was not due to idolatry but to a punctilious fulfillment of the commandment to honor one's parents. His aged father, who was always served first, used the

⁶⁵ M AZ 7.1; Ilan, "Die Juden im antiken Rome," 66–76; S. Safrai, "The Visits of the Sages of Yavneh in Rome," in *Scritti in memoria di Umberto Nahon*, ed. R. Bonfil et al. (Jerusalem 1978), 151–67 (Heb); S. Simonsohn, *The Jews of Italy. Antiquity* (Leiden 2014), 322–8.

⁶⁶ S. Fine, "When I went to Rome . . . There I Saw the Menorah . . ." The Jerusalem Temple Implements during the Second Century CV," in *The Archaeology of Difference: Gender, Ethnicity and the "Other" in Antiquity. Studies in Honor of Eric M. Meyers*, ed. D. E. Edwards, C. T. McCollough (Boston 2007), 169–80; R. Boustán, "The Spoils of the Jerusalem Temple at Rome and Constantinople," in *Antiquity in Antiquity. Jewish and Christian Pasts in the Greco-Roman World*, ed. G. Gardner, K. Osterloh (Tübingen 2008), 334–41.

side room as a prayer space where he continuously prayed that his son would produce a son. Such devotion proved a prelude to an enchanting tale of magic, of conjuring a woman out of flax seeds, and of a battle of wits between the sages and a sorceress over a spell that had been cast on their host. Needless to say, the sorceress gave up, the curse was removed and in due course a son was born.

Celebrating Passover

In theory, and presumably in practice, the Jewish communities of greater Rome celebrated Passover in the second century with such minute attention to Temple rituals that their orthodoxy raised the ire of Palestinian rabbis.⁶⁷ The bone of contention was the introduction of a whole roasted lamb into the Passover table as an intentional imitation of the manner in which this ritual had been executed in the Jerusalemite Temple. Such an initiative, ascribed to an otherwise unknown Todos (Teudas) of Rome, was devised to inculcate the memory of Temple rituals in a Diasporic Templeless era. The roasting served as a poignant reminder, redolent with smoke and ashes, of a past destroyed by the people in whose capital these Jews were celebrating Passover. It may also have been a practical response to the rabbinic ban on eating unleavened bread before the evening Seder itself. Since all leavened bread had to be removed from home by early morning of the Passover night, the measure left an entire day devoid of bread, the most important staple food of the time. Animal entrails were allowed if beaten flat or pickled, since, by rabbinic standards, they were not considered real food.⁶⁸ In remote Palestine the Judeo-Roman custom of roasting a whole lamb for Passover was deemed particularly offensive because it countered rabbinic efforts to substitute sacrifices with unleavened bread and bitter herbs.

In fact, every component of the Passover meal and ritual (Seder and Haggadah) was carefully calculated to enliven, commemorate and perpetuate the biblical story of the Exodus.⁶⁹ Both food and recitation may have originated as recently as the late first century CE in response to the disappearance of the Temple.⁷⁰ Children had an important role at the

⁶⁷ T Yom Tov 2.15; PT Pes 7.1; PT Bes 2.7; MQ 3.1; BT Bes 23a; Pes 53a–b; Ber 19a; B. M. Bokser, “Todos and Rabbinic Authority in Rome,” *New Perspectives on Ancient Judaism* 1 (1987), 117–30; Cooper’s criticism, *Eat*, 71.

⁶⁸ S. Weingarten, “‘In thy Blood, Live!’ Haroset and the Blood Libels,” *REJ* 172 (2013), 96.

⁶⁹ Sivan, *Palestine*, 263–74.

⁷⁰ J. Kulp, “The Origins of the Seder and Haggadah,” *Currents in Biblical Research* 4 (2005), 109–34.

beginning of the Passover ritual. According to the Mishnaic tractate of Passover, children were entrusted with asking questions about the difference between “this night and all other nights”:

They poured for him the second cup and here the child (ben, son) asks [his father] and if the child lacks intelligence (daat) his father teaches him:

Why is this night different from all other nights?
 On all other nights we eat leavened and unleavened bread.
 Tonight we eat only unleavened.
 On all other nights we eat all vegetables. Tonight we eat only bitter herbs (maror)
 On all other nights we eat meat roast, stewed or boiled.
 Tonight we only eat it roasted.
 On all other nights we dip once only. Tonight we dip twice.
 The father teaches his son according to his intelligence, starting with disgrace and ending with praise, and then expounding (*doresh*) on “a wandering Aramaean was my father” (Deut 26:5) till he goes through the entire portion.⁷¹

Positioning these questions at the start of the ritual emphasizes the place of children in the temporary democracy which Passover ushers into the household. Celebrating liberation, the Haggadah text encourages an understanding of differences, between myth and reality, past and present, as well as a method of reasoning anchored in observation and questioning.⁷² The banality of the food served during the Seder prompted children to ponder the solemnity which accompanied their consumption on the eve of Passover. By seeking the Passover meaning of familiar edibles, children provided an opening to delve into the biblical narrative of the Exodus and its afterlife. *Haroset*, for example, a concoction now made with fruit and spices, was given special symbolic status at the Passover Seder, although it was eaten all the year round.⁷³

⁷¹ M Pes 10.4, following Albeck's edition. B. M. Bokser, “Ritualizing the Seder,” *Journal of the American Academy of Religion* 56 (1988), 464 claiming that these were not real but exemplary questions, a stepping stone to begin the Seder's narration. D. W. Halivni, “Notes on the questions of Mah Nishtanah,” in *Studies in Aggadah, Targum and Jewish Liturgy*, ed. J. J. Petuchowski and E. Fleischer (Jerusalem 1981), 67–74 (Hebrew section) maintains that the father and not the child is the asking agent as part of the teaching process about the Exodus. J. B. Soloveitchik, *Days of Deliverance. Essays on Purim and Hanukkah* (New York 2007), 167 on the four levels of the Passover narration, each adapted to a child's individual intelligence.

⁷² R. C. Steiner, “On the Original Structure and Meaning of Mah Nishtannah and the History of its Reinterpretation,” *JSIJ* 7 (2008), 163–204; J. Culp and D. Golinkin, *The Schechter Haggadah* (Jerusalem 2009), 194–200 on Mah Nishtannah as a default text in case the child did not ask a question.

⁷³ S. Weingarten, “How Do You Say Haroset in Greek?” *Judaea-Palaestina, Babylon and Rome*, ed. B. Isaac and Y. Shahar (Tübingen 2012).

What strategies were used to prompt a child to ask questions or indeed to stay awake during the rather long Seder? The Tosefta encourages the use of *matza* (unleavened bread) as a means of encouraging wakefulness.⁷⁴ The Babylonian Talmud transmitted a custom attributed to Rabbi Tarfon (late first/early second century, Palestine), who used to dish out nuts to children so as to stimulate them to ask questions (BT Pes 108b).

In addition to questioning the nature of the night and its menu, children were accorded prominence in the Haggadah section known as the “four sons,” which reinforced an awareness of the unique experience of the Jewish people. Each child was endowed with a specific characteristic which, in turn, invited a specific question.⁷⁵

Four are the sons: one wise, one simpleton, one wicked and one who knows not how to ask. What does the wise say: What is the meaning of the decrees and the statutes and the ordinances that God has commanded you? (Deut 6:20). You will then start with the rules of Passover, telling him that On Passover one does not leave (utter the final blessing) before the afikoman. What does a simpleton child say? What is this all about? You tell him: God led us out of Egypt, from slavery, with a strong hand (Deut 6:21). What does the wicked child say? What is this observance (*avodah*) (Ex 12:26)? Since (by this question) he excluded himself from the rest you too will exclude him, saying: This is why God did it, for me and not for you. Had you been there (in Egypt) you would not have been delivered (from slavery). The child who knows not how to ask, you should begin and explain to him.

Whether one or four children were involved, the questions provided an opportunity for parents (fathers, to be precise) to explain the Passover ritualistic rules, specifically the Passover sacrifice, and to recount the story of the Exodus, thus textualizing Temple rites and sublimating the biblical narrative of the Exodus. Both sets of questions raised by children, about eating and about the recitation, forged a strict dependence of rules on the biblical text. Inviting the agency of children during the meal and the ceremony prompted thinking about themselves as participants capable of sharing table and text.

In the synagogue of Dura Europos, the tiny figure of a child marching out of Egypt was a visual clue of an unbroken tradition beginning with the

⁷⁴ S. Friedman, *Tosefta Atiqta* (Ramat Gan 2002), 439, 444 (Heb).

⁷⁵ *Mechilta de Rabbi Ishmael* Pischa 18. A. Shemesh, “The Development of the Baraytah about the Four Sons,” *Sidra* 14 (1998), 131–6 (Heb) noting, correctly, the oddities of the list and its questions, concluding that the list originally included only questions without answers, which were added later. Kulp. Schechter Haggadah, *passim*.

biblical Exodus of the “children of Israel,” leading, however, not to the Promised Land but to a Diaspora.⁷⁶ Passover, like other feasts and Sabbaths, healed the temporal and the physical rupture. It was a regenerative cycle, enlivened by a rhetoric of transmission that idealized their values. We do not know how Passover was celebrated in Diaspora communities. In first-century Alexandria, even before the destruction of the Jerusalemite Temple, each house was decked like a temple and at each a lamb was slaughtered and roasted. The emphasis, at least according to Philo, was not on staffing oneself with viands and wine but on cleansing, praying and singing.⁷⁷

At the Seder table in the Diaspora context of Rome or Ostia, the words of the Passover Haggadah, the smells and arrangement of Passover food, the non-leaven diet during the Passover week and the illusion of equality of age, gender and status set Jews apart from their environment. These were rituals which engaged children as no other feast did. Encompassing questions of origin, the story of liberation fashioned a collective identity across myth and space. By asking about the meaning of the menu and the reasons for the celebration, children at the Seder emerged both as daughters and sons of their parents and as participants in the perpetuation of a uniquely Jewish tradition.

In a city like Ostia where Egyptian deities, primarily Isis and Sarapis, were popular, the celebration of Passover may have been a poignant reminder of one’s perpetual foreignness. Especially challenging for Jewish children would have been the knowledge that spring time ushered not only Passover but also festivities heralding the opening of the navigation season on which so much of Ostia’s economy depended. These ceremonies took place under the auspices of Isis, the Egyptian patroness of nourishment, trade and sailors. An Ostian mural featuring a calendar of annual festivities included a *navigium Isidis*, which, like the other feasts, was celebrated in this painting solely by children, specifically a pair dragging a cart loaded by a small ship.⁷⁸ It is doubtful if this important event was entrusted into the tender hands of children but their participation, and children’s games

⁷⁶ Chapters 6 and 7.

⁷⁷ Spec. II 148, M. Hadas Lebel, *Philo of Alexandria. A Thinker in a Jewish Diaspora* (Leiden 2012), 104–7.

⁷⁸ H. Stern, “Les calendriers romain illustrés,” in *ANRW* II 12.2 (1981), 431–75. Doubting the connection between this representation and the *navigium Isidis*, L. R. Taylor, *The Cults of Isis* (Bryn Mawr 1912), 71 note 19 on the absence of any distinct emblems of Isis. D. Boin, *Ostia in Late Antiquity* (Cambridge 2013), 208–9. On children of the Diana section of this calendrical mural, J. Tulloch, “Visual Representations of Children and Ritual in the Early Roman Empire,” *Studies in Religion/Sciences Religieuses* 41 (2012), 417–21.

imitating the *navigium*, no doubt were held throughout town. So closely knit was the grain industry with the sea that the presence of Jewish children, if not as participants then as observers, need hardly be doubted. Passover at Ostia would have been an occasion for celebrating both ancestral miracles and the contemporary gifts of sea and soil.

*Sabbath in Tiberias (c. 300)***Introduction**

The narrative that forms the backbone of this chapter is told by Eleazar, a Jewish boy nearing thirteen who lives in Galilean Tiberias, through whom we share a child's experience of the weekly Sabbath. By endowing the boy with a name, a family and a city, his story brings together important yet also disparate strands, namely the cityscape of a predominantly Jewish city in late ancient Palestine; biblical and rabbinic Sabbath rules and their impact on the environment; and an investigation of the Sabbath schedule of children within the religious, social and economic boundaries delineated by law, urbanism and Jewishness. Through the alert eyes of a child it is possible to project domestic and public spaces where children were expected to conform to specific models of behavior during the Sabbath.

Our protagonist, Eleazar, grows up in a society in which males are monopolizing the status of "men" and the discourse appropriate to their Jewishness. He would be familiar with most of the rules that govern children's lives, and would perhaps even question a few. But he is not likely to interrogate the process by which children are made men, and men are made Jewish. His daily routine is divided between home, school and public arenas, a living diversity of complementary components that stand at the heart of Jewish identity. His Sabbath routine often revolves around the same route, a factor that rendered the city intimately familiar. As a boy on the verge of official manhood, Eleazar recognizes the distinctiveness of his urban environment that aspires to entrench and to transmit identity.¹

* This chapter is dedicated to the memory of Yizhar Hirschfeld, Tiberias' excavator. It is a revised version of "Sabbath in the Galilee," published in *Children and Everyday Life in the Roman and Late Antique World*, ed. C. Laes and V. Vuolanto (2016). I am grateful to the editors for their kind permission.

¹ C. Day, *Environment and Children: Passive Lessons from the Everyday Environment* (Oxford 2007), passim.

In what follows I reconstruct the city's material culture as gleaned from the archaeological remains of late Roman Tiberias and its rural hinterland. In conjunction, I aim at projecting a sense of the weekly celebration of the Sabbath, as described, discussed and debated in rabbinic sources. Above all, I aspire to capture a childhood-Sabbath routine by delving into these literary, visual and material cultures through the eyes of the children themselves.

Eleazar's Story

Nestled between a lake and a mountain, my town, a Galilean center of Jewish life and learning, takes its decidedly un-Jewish name from a Roman emperor who had little love for humanity. On the other side of our land, on the coast of the Mediterranean, the Roman procurator Pontius Pilate dedicated a temple to the same imperial recluse who never bothered to visit the territory where he was so honored.² We believe that our city is the naval (*tabur*) of the world.³ I can point to Miriam's well, the source of life-giving water to my ancestors during the Exodus, right here in our sea.⁴

Rumor has it that in the first century CE our town, founded by a scion of the hateful Herod, boasted a royal palace, a stadium, a theater and a very large synagogue or "prayer house."⁵ That synagogue could contain all the city's inhabitants. Long ago, right before the great war of the Jews against Rome (CE 66), this synagogue became the scene of an acrimonious debate over opposing or supporting the Romans. Before words threatened to erupt into a violent riot the Sabbath mercifully intervened. It is told that the arrival of the sixth hour (noon), at which it is our custom on the Sabbath to take our midday meal, saved our city because the would-be contestants repaired to their respective homes to eat.⁶ Such is the power of our Sabbath, and perhaps of the call of the stomach too. Or maybe it was just too hot, as it often gets in our town during the long summer days. The souvenirs of that failed rebellion (66–70 CE) still scorch our collective

² J. E. Taylor, "Pontius Pilate and the Imperial Cult in Roman Judaea," *New Testament Studies* 52 (2006), 555–82.

³ BT Meg 6a.

⁴ *LevR* 22:4; *Tanhuma* (Buber), Huqqat 20, 129; S. Niditch, "Miriam's Well: Rabbinic Variations on a Folk Motif, Gender Views, and Contemporary Reception," in *A Most Reliable Witness: Essays in Honor of Ross Shepard Kraemer*, ed. S. A. Harvey et al. (Providence 2015), 223–32, esp. 228.

⁵ Josephus, *Vita*, 276–80.

⁶ *Vita*, *ibid*. The likelihood that Eleazar would have read Josephus or would have known of his writings is slim. The possibility of survival and transmission of a local tradition associated with a local synagogue and with the role of the Sabbath in early Roman Tiberias should not be dismissed.

memory. Our beautiful city escaped destruction. It opened its gates to the Roman conqueror and was spared, but many in my town now abide by a calendar that begins its annual count from the year of the destruction of our Temple in Jerusalem (69/70 CE).⁷

Every Friday, on Sabbath's eve, father and I hasten to the bathhouse for immersion and purification. The sun has become faint by the time I emerge from the study room to join father. I am tired. Friday usually starts early with helping father to set up his shop. Then, at father's insistent urging, I spend the day at school, immersed in reading the Torah portion for the day. As darkness starts to envelope our class I nearly fall asleep under the watchful eye of the teacher. He rebukes me sharply. He himself is not allowed to read but he does his best to ensure that we, his pupils, do not nod off over our portion.⁸ I find it an odd preoccupation for such a learned adult. I wonder whether he allows us to continue reading even as Friday's sun begins to set because he trusts us not to tilt the oil lamp. We understand that this would constitute a violation of the Sabbath rule of *you shall not light fire on the Sabbath* (Ex 35:2–3). Or maybe our teacher is lenient because he knows well that we boys gladly anticipate that the oil will die out, signaling that class, too, will be over.⁹ It is tedious enough to sit in a room adjacent to the synagogue and to learn the rules that govern the life of a Jew without exerting my eyes to read in the light of a small oil lamp. Our teacher is kind, although probably poorly paid.¹⁰ This is one profession that I would not care to pursue, even though our rabbis assert that no town deserves its name if it does not have at least one teacher of infants, not to mention a butcher and a doctor.¹¹

Father tells me that there are thirteen synagogues in our city.¹² In each one of them there is a school for boys, just like mine, where we traverse a river of literacy led by our teacher, from the alphabet to the book of Leviticus and thence to the rest of the Torah and the Oral Torah (the Mishnah). Admittedly, Leviticus is the most boring of all our Torah. But it teaches discipline and the rules of purity that are so important in our daily life. I would have preferred the book of Genesis, as Rabbi Assi recommended.¹³ In our school we also learn to recite sections from the Mishnah, our oral law, which contains rules meant to guide us as we grow up to become full members of the congregation, as I will soon be.

⁷ Sivan, *Palestine*, ch. 6 (liturgical dates). ⁸ M Shab 1.3.

⁹ BT Shab 12b–13a; Hezser, *Jewish Literacy*, 48, 75. ¹⁰ Ibid., 40ff. ¹¹ PT Kid 4.12.

¹² BT Ber 8a. ¹³ LevR 7.3, Hezser, *Literacy*, 76.

At school we learnt that the Sabbath is so important that it lends its name to the weekdays. Such counting means that we go back to school on the first day after the Sabbath and we continue to study on the second day after the Sabbath, and thereafter till the sixth day after the Sabbath.¹⁴ The exact point, however, where Friday ends and the Sabbath starts has been a matter of controversy.¹⁵ Many other rules and regulations that inform Jewish identity are also debated by our rabbis. Father and mother, who abide by Torah injunctions and also do their best to follow the rabbinic rules that relate to them, worry about the exact time when they ought to stop whatever they are doing so as not to desecrate the Sabbath. Father is a fishmonger. According to my teacher, the school of Shammai maintained that it is forbidden to spread traps for beasts, birds and fish, unless they can be caught the same day (i.e. before the entry of the Sabbath); but the school of Hillel did allow it.¹⁶ In this case, father is a Hillelite because the dispensation enables him to maintain fresh supplies for his shop till the last moment, just before its closure in honor of the Sabbath when neither customers nor shopkeepers can see the merchandise clearly. Those great sages of the era of our Temple even decreed that if a child sets aside figs for the Sabbath without tithing them before the Sabbath, he cannot eat them until after Sabbath is over and they have been tithed.¹⁷ I must remember this rule and be a good Jew so that I can enjoy eating figs on the Sabbath.

On our way to the bathhouse we pass by a vast building site right at the center of town. I can already see that this will become a very imposing structure. Amidst the new foundations I glimpse the remains of a long wall with traces of red fresco, marble slabs and a water cistern with arches.¹⁸ Father tells me that these used to belong to the palace of Herod Antipas, the king who had founded our city and named it after his imperial patron, Tiberius. The palace had been decorated with images of animals and its ceilings were covered with real gold!¹⁹ The theater that Herod had built has recently been refurbished with fine masonry and lavish décor.²⁰ That Herod (Antipas) certainly chose an odd location for our city, right atop a cemetery! No wonder that members of priestly families had been

¹⁴ M Tamid 7.4; Y. D. Gilat, "Preparing for the Sabbath," *Sidra* 1 (1985), 7–31, repr. in idem, *Studies in the Development of Halakha* (Ramat Gan 1992), 12 (Heb). PT Rosh Hashana 1.1 discounts the Torah origins of this form of counting.

¹⁵ BT Shab 34b; PT Ber 1.1; Gilat, "Preparing," 24. ¹⁶ M Shab 1.6. ¹⁷ M Maas. 4.2.

¹⁸ Y. Hirschfeld and E. Meir, "Tiberias 2004," *Excavations and Surveys in Israel* 118 (2006) (online).

¹⁹ Josephus, *Vita*, 65–9.

²⁰ J. K. Zangenberg, "Archaeological News from the Galilee: Tiberias, Magdala and the Rural Galilee," *Early Christianity* 1 (2010), 471–84.

reluctant to move there before a famous rabbi conducted a wholesale purification of the area over a century after the city's foundation. I believe, however, Jews had been living in Tiberias from its very beginning but the rabbi's action rendered the land habitable for all Jews, priests and laity.²¹

Father says that the new structure-in-progress will be a basilica, a kind of a public center where our officials, members of what some call a "Sanhedrin," will hold regular meetings. This seems to me to be wishful thinking. Even if the building is to serve an assembly of leaders and legal experts, I am not sure why they need so many rooms. I heard a rumor at school that this palatial structure will serve the *Nasi* (patriarch), our venerable leader who now resides in our city.²² I suppose that being so important, even in the eyes of the Roman government, the patriarch wants to be at the very center of the city where he can see and be seen. I dare not mention this patriarchal plan to father. Father is kind of rabbinic, not a scholar but a small businessman who has abiding respect for scholars. I overheard him saying to mother that he would be willing to sell all his possessions to enable me to marry the daughter of a scholar.²³ But who wants a girl who will always interfere with her superior knowledge of all matters of the law and shame her betrothed in front of house guests?²⁴ Father is also worried about my future profession. He does not want me to deal with fish but to possess a clean and easy craft.²⁵ I am not sure what this means but I certainly do not want to be poor. I see kids my age around the markets at the end of a trading day whose fathers cannot even afford to purchase the wine for the Kiddush (blessing) on the Sabbath.²⁶ Father gives charity regularly to ensure my share in the world to come.²⁷ But he always warns me and my friends against taking anything from a stranger,

²¹ PT Meg 1.1; BT Meg 6a; Shab 33b-34a; A. Oppenheimer, *Galilee in the Mishnaic Period* (Jerusalem 1991) (Heb), passim. On the revolt, Chapter 8.

²² On the move of the patriarch/nasi to Tiberias in the late third century, S. S. Miller, *Sages and Commoners in Erez Israel: A Philological Inquiry into Local Tradition in Talmud Yerushalmi* (Tübingen 2006), 454, linking the move to the establishment of circles presided by Rabbi Yochanan and Resh Lakish. For the identification of the "basilica" as a private residence, Z. Weiss, "Houses of the Wealthy in Roman and Late Antique Tiberias," in *Arise, Walk through the Land, Studies in the Archaeology and History of the Land of Israel in Memory of Yizhar Hirschfeld*, ed. J. Patrich, O. Peley-Barkat and E. Ben-Yosef (Jerusalem 2016), 211-20 (Heb).

²³ BT Pes. 49b.

²⁴ PT Shab 1.3; J. Hauptman, "The Matter Is Turned over to Women (Yerushalmi Pesahim 1:4) – Women and Domestic Religious Ritual," *Sidra* 2010, 94 (Heb).

²⁵ BT Kidd 82b. See also Chapter 2.

²⁶ BT Beitza 15b; Gilat, "Preparing for the Sabbath," 22, but see T Shab 16, which forbids distribution of charity to the poor on the Sabbath in the synagogue.

²⁷ BT Pes 8a. See also Chapter 2.

especially food items, unless the stranger somehow informs mother about this gift.²⁸ Otherwise, mother would suspect witchcraft and not the kindness of strangers.

We are now passing by the covered market near the basilica where smells of varied merchandise constantly mix with odors from the sea. Next to the market there is a small fish pond. It was dug in the middle of a sanctuary that had been constructed, I am told, a century after our city had been founded in order to honor another Roman emperor who had little love for the Jews (Hadrian). The temple, or rather what is left of it, stands right in the heart of the city center, reminding us of that Hadrian, may his bones turn to dust, and of the terrible price that we paid for defying the Romans yet again (132–5 CE). It is believed that this temple had been erected atop a synagogue, a horrid fate for any “little Temple,” and that it happened because of a heated debate over the type of a bolt to be used for its door on the Sabbath!²⁹

If you do not like fishy smells, do not live in Tiberias. Even our famous bathhouses smell of fish. But on Friday’s early evening, as the Sabbath descends in all her glory, you can inhale a profusion of fragrances people use in order to remove fishy smells from garments or to counter whatever they deem to be bad smells in general. We like to use incense in Tiberias, as do the people of the town of Sepphoris, with whom we enter a rivalry of Sabbath incense frowned upon by our rabbi Yochanan:

R. Hiyya son of Abba said in the name of R. Yochanan: If one were walking on the eve of Sabbath in Tiberias, or at the conclusion of Sabbath in Sepphoris, and smelled an odor [of spices], he does not say a blessing, because the probability is that they are being used only to perfume garments. Our Rabbis taught: If one were walking in a street of idolaters and smelt the spices willingly, he is a sinner. (BT Ber 53a)

Rich as our sea is in fish, there are times when we face hunger. Our rabbis measure hunger by curious criteria. They maintain that hunger is a period when workmen would not accept work on the east side of our town where they may die just by smelling the mere odor of bread being baked, or when a child would break a carob pod and a line of honey would run down his

²⁸ BT Shab 10b.

²⁹ BT Yev 96b; Miller, 284–5 on the conflation of the rabbinic dispute over synagogue bolts on the Sabbath (M Eruv 10.10) with a report leading to the tearing of a Torah codex, and thence to a prediction of the synagogue’s eventual conversion into a place of pagan worship. Sivan, *Palestine in Late Antiquity*, on later (fourth century) attempts to convert the temple to a bathhouse and a church. Synagogues acquired the denomination of a “small Temple” to reflect the sanctity associated with the Temple in Jerusalem.

arms.³⁰ Frankly, I do not know what they mean but it sounds sad to me. Did the rabbis mean that the only food available to hungry children was a carob?

Father wants us to immerse before the Sabbath. It is his favorite way of preparing for my favorite day of the week. Our town possesses several universally renowned thermal hot springs and we are notorious for liking our spaces and food nicely heated, even on the Sabbath, when no Jew is allowed to heat up anything.³¹ Alone of all the Jewish cities in the Land of Israel, the denizens of my Tiberias have even received rabbinic dispensation on this score. I must share how it came about. The original ruling was simple:

It once happened that the people of Tiberias conducted a pipe of cold water through an arm (=pipe) of the hot springs. The sages addressed them as follows: If [you do this] on the Sabbath, it is like hot water heated on the Sabbath, and it is forbidden both for washing and for drinking; if [you do it] on a festival, it is like water heated on a festival, which is forbidden for washing but permitted for drinking. (M Shab 3.4)

One should think that this dictum would have been sufficient to impress upon everyone the scope of such a Sabbath violation. Not so. When other sages reviewed the matter they ran against our own tenacious customs:

At first people used to wash in pit water heated on the eve of the Sabbath; then bath attendants began to heat the water on the Sabbath, maintaining that it was done on the eve of the Sabbath. So [the use of] hot water was forbidden, but sweating was permitted. Yet still they used to bathe in hot water and maintain: We were perspiring. So sweating was forbidden, but the thermal springs of Tiberias were permitted. Yet they bathed in water heated by fire and maintained: We bathed in the thermal springs of Tiberias. So they forbade the hot springs of Tiberias but permitted cold water. But when they saw that this [series of restrictions] could not stand, they permitted the hot springs of Tiberias, whilst sweating remained in status quo. (BT Shab 40a, Soncino)

To this day it is unclear if sweating is permitted or forbidden on the Sabbath. Immersion on Friday evening has become an integral component of our Sabbath rituals. Once when father was conversing with a distinguished rabbi on Friday evening, the latter abruptly stood to leave, naked! He explained that he had forgotten that this was the time

³⁰ BT BB 91b.

³¹ On hot baths, see E. Dvorjetski, *Leisure, Pleasure, and Healing: Spa Culture and Medicine in Ancient Eastern Mediterranean* (Leiden 2007), 127–43 (on Hammat Tiberias).

usually devoted to listening to his grandchild reading the Torah lesson. When father inquired why he could not give up a single lesson for a pleasant bath, that man responded that hearing a Torah lesson from a child, especially one's own grandson, was tantamount to standing at Mount Sinai itself.³² Such is the power of the Torah when recited by children on the eve of the Sabbath.

On this particular Friday father chose to head to the south baths in Hammat. They are located at some distance from our residence but father occasionally likes to immerse in these really ancient hot baths and the walk is within permissible Sabbath boundaries. Long ago, he tells me, Hammat had been a separate town from ours but Tiberias gobbled it up, although a wall, our southern wall, still separates the two. Hammat Tiberias is much older than Tiberias, dating all the way back to Genesis' famous flood.³³ Even our rabbis acknowledge the attraction of this wonderful gift of God:

R. Dosethai son of R. Jannai said: Why are the thermal springs of Tiberias not situated in Jerusalem? [This is so] in order to prevent festival pilgrims from saying: Had we undertaken a pilgrimage solely to bath in the hot springs of Tiberias, it would have sufficed [to fulfil the commandment of pilgrimage to Jerusalem]. Consequently, this would have been a futile pilgrimage. (BT Pes 8b)

Hammat's springs are not only deliciously hot but also therapeutic. They attract famous sages, including Rabbi Akiva, who died a martyr's death at the hands of the Romans long ago (c. 135 CE).³⁴ Mother says that the water of the hot spring is so hot that she can even cook with it but this is forbidden on the Sabbath.³⁵ The bathhouse itself is very attractive. Its walls are covered with polished white marble and it contains so many rooms that I often get lost when father allows me to wander around between dressing rooms and the pool rooms.³⁶

Amid so much beauty and human nakedness in the baths I could see strewn fragments of statues of pagan divinities that not long ago our famous Rabbi Yochanan ordered to be demolished, notwithstanding that on another occasion the same rabbi looked at paintings on the wall and said nothing whatsoever.³⁷ I find it fascinating that none of our gentile neighbors complained to the authorities. Perhaps the governor in remote Caesarea Maritima was too busy to attend to the fate of his gods in

³² PT Shab 1.2. ³³ BT San 108a. ³⁴ PT San 14.19. ³⁵ BT Shab. 40b; BT Pes 41a.

³⁶ Dvorjetski, *ibid.*, 137, for description.

³⁷ PT AZ 4.4., 43d; R. Kimelman, *Rabbi Yochanan of Tiberias: Aspects of the Social and Religious History of Third Century Palestine* (PhD Dissertation Yale 1977), *passim*.

a provincial town on the other side of his province. Maybe he is a follower of the man from Nazareth.

I am trying to remember all the rules that govern our behavior when it comes to dealing with our non-Jewish neighbors. They are very complicated. Just imagine: What is a young Jewish boy to do if he were captured by gentiles before he had a chance to learn how to conduct himself on the Sabbath? There are those who maintain that if the boy had been familiar with even a modicum of Sabbath rules which he subsequently forgot, he was still liable to punishment if he transgressed the Sabbath. The more benign among the rabbis, like our very own rabbis Yochanan and Resh Lakish, exonerate the boy altogether from any liability relating to violation of Sabbath rules.³⁸ Go figure.

Our rabbi Yochanan used to sit at the gate of the women's ritual bath in town. He was reputedly so very handsome that it was believed that a pregnant woman who looked at him would end up bearing children as beautiful as he was.³⁹ To judge by the smile on father's face when he recounts the story, you would think that mother, too, looked at the rabbi when she was pregnant with me. Sadly, this, our greatest sage, also lost his ten children, the youngest dying when he fell into a boiling pot!⁴⁰

According to Rabbi Yochanan, after our Temple had been destroyed the power of prophecy was given to children and to fools.⁴¹ This cannot be, of course, but it suited Yochanan to claim this on at least one occasion:

He (Yochanan) said to a child: Recite for me the verse that you have learnt today at school. The child answered: *Now Samuel was dead* (I Sam 28:3) . . . Yochanan interpreted: This means that Samuel [a famous Babylonian sage and a contemporary of Yochanan] has died. It was not, however, the case at all. Samuel was not dead at all but the child's quotation enabled Rabbi Yochanan not trouble himself [with traveling to Babylonia to pay respect to Rabbi Samuel]. (BT Hull 95b)⁴²

I think that he simply justified his own actions by relying on what we, children, innocently utter, since he knew well that what we studied about

³⁸ PT Shab 7.1; BT Shab 68a–69a.

³⁹ BT BM 84a. On beliefs that eye contact with a particular kind of humans or animal can affect the viewer's physicality, M. D. Swartz, *Scholastic Magic. Ritual and Revelation in Early Jewish Mysticism* (Princeton 1996), 165; see also D. Boyarin, "The Great Fat Massacre: Sex, Death and the Grotesque Body in the Talmud," in *People of the Body*, ed. H. Eilberg-Schwartz (Binghamton 1992), 81–5.

⁴⁰ BT Ber 5b. ⁴¹ BT BB 12b.

⁴² On children as presumed receptacles of cosmic wisdom, M. D. Swartz, "Divination and its Discontents," in *Prayer, Magic, and the Stars in the Ancient and Late Antique World*, ed. S. Noegel, J. Walker, B. Wheeler (University Park 2003), 155–66, esp. 160. Chapter 2.

the biblical prophet had nothing to do with any other Samuel, living or dead.

Nearing the baths at Hammat we pass a construction site of a new synagogue where a gymnasium had once stood. Places have their history and we can sometimes glimpse it through ruins. Father, who has customers among the rich and the mighty who donated money to build this synagogue, told me that when complete, the synagogue mosaic floor will feature a zodiac with the months, the seasons and even the chariot of the sun.⁴³ I am not sure just how Jewish these zodiacs are but I suppose that we can look at them as symbols of our calendar. At any rate I can already distinguish the outline of a Menorah in the area above the zodiac. And what is more Jewish than a Menorah? I am surprised that our strict rabbis, especially Yochanan's pupils, had not opposed this mixture of symbols in so sacred a place. Father explained that the synagogue will also be embellished with mosaics featuring their donors' names, mostly in Greek rather than Hebrew or Aramaic. He sounds wistful, perhaps because his income cannot rise to the level of a commemorative mosaic in so hallowed a location or perhaps because he cannot read Greek. I can read Hebrew and Aramaic but my Greek is minimal, consisting of phrases learnt from gentile customers of my age. I suppose that whoever donated the money to have the synagogue built and its floors decorated, and I heard that this was connected with the family of our patriarch, also dictated its ornamentation and its scripts.

We have reached the baths. An imposing entrance opens up all the way to the pools, which are surrounded by massive walls.⁴⁴ Sad to say, but I see children my age begging at the gate, and they are Jewish, too. Inside the walls are the water pipes which convey the steaming water from the hot springs sizzling out from the mountainside.⁴⁵ The water cascades down the basalt, emitting an overpowering smell of scalding sulfur. Even in town we can smell some of it, which may also account for our lavish use of

⁴³ M. Dothan, *Hammat Tiberias* vols. 1 and 2 (Haifa and Jerusalem, 1983 and 2000), the zodiac mosaic is usually dated to the late fourth century. On the interpretive history of synagogal zodiacs, R. Hachlili, "The Zodiac in Ancient Jewish Synagogal Art. A Review," *JSQ* 9 (2002), 219–58; J. Wilkinson, "The Mosaic Floors of Synagogues," in idem, *From Synagogue to Church. The Traditional Design* (Abingdon 2002), 88–113.

⁴⁴ Y. Hirschfeld, *The Roman Baths of Hammat Gader. Final Report, The Israel Exploration Society* (Jerusalem 1997), 106 fig. 253. For detailed plan, see also report on other late ancient (4th–7th) layers, incl. Mediscover of a lentil and a mosaic fragment, M. Hartal, 'Hammat Gader. Ein-el-Jarab; Excavations and Surveys in Israel 122 (2010) online.

⁴⁵ For an enchanting description of the baths, then and a century ago, with magnificent photos, see Fletcher, "The Ancient Baths of Tiberias," *Modern Sanitation* 10 (October 1913), 365–70.

fragrances, so censured by the rabbis, as I already mentioned. I look at the tall columns that support the roof, a perfect place to play “hide and seek,” but I doubt if the adults, now engaged in Sabbath ablutions, will approve. Before entering the baths, father recites a brief prayer.⁴⁶ For the rest of our time there we put aside any talk about our Torah, nor do we pray or even ask about friends’ health.⁴⁷ At the entry we receive a glass of water.⁴⁸ Before entering, we make a stop at the toilet, where everyone is expected to maintain silence. I am not quite certain what our rabbis meant when they did not impute impurity to the water that comes out of our body during our visits to the excrement area.⁴⁹ I know that mother was very careful not to wash sister’s nappies on the Sabbath, since it was believed that women who do so pay with their lives for such a transgression.⁵⁰ Thankfully, we get our drinking water in Tiberias not from our sea whence we get our fish but from a lovely spring somewhere in the Galilee, whose water, via aqueduct, reaches choice locations in town.⁵¹

Most men at the baths come there, like father, to clean their bodies for the Sabbath. At the foyer, father pays the entry fee and then we continue into a large room with marble benches where we deposit our clothes into a wall recess for safe custody after taking off our shoes, removing our prayer shawl, loosening our belt, and taking off the outer gown and the under shirt.⁵² As father descends into the pool he whispers a benediction. I am not allowed to enter with him since it is improper for father and son to bath together. While father is in the water we are entertained by a jester, a dangerous profession at times.⁵³

Father washes his body carefully, scrubbing his face, hands and feet.⁵⁴ For him it is a ritual of bodily purification, as it is for the majority of Friday bathers. There are, however, those who come for the curative properties of the water, and they alone can return even on the Sabbath itself.⁵⁵ The old rabbi, who abandoned father in the middle of a conversation in a rush to hear his grandson reciting, had come both to honor the Sabbath and to recuperate his own strength. I know of his infirmity because he had to lean on the shoulders of a friend.⁵⁶ All around us men converse in hushed tones while we, boys, listen respectfully, or pretend to.

⁴⁶ PT Ber 9.4; Dvorjetski, 226. ⁴⁷ BT Shab 10b.

⁴⁸ PT Nid 2.7; BT Nid 21a; Dvorjetski, 234. ⁴⁹ M Mach 6.7. ⁵⁰ BT Shab 32a.

⁵¹ Y. Alexandre, “Kinneret. The Berenice Aqueduct to Tiberias,” *Excavations and Surveys in Israel* 120 (2008) (online).

⁵² M. Buchmann, *Tiberias and Its Hot Springs* (Tiberias 1957), 31–2 for the description.

⁵³ PT Ber 2.8. ⁵⁴ LevR 34.3; BT Shab 25b. ⁵⁵ PT Shab 14.3; Dvorjetski, 236.

⁵⁶ PT Shab 1.2.

I want to hurry home to tell my little sister, Leah, about the thermal session. She is recovering from fever. Mother believes that the amulet she purchased for Leah's cure was responsible for her healing.⁵⁷ Father is adamant that the local medical expert did it. I think that mother is right. The poor girl had been shivering for an entire week, convulsed by fits which mother believed were induced by demons and spirits and not by insects, and consequently had to be exorcised. My sister is lucky. Her fever could have been fatal.⁵⁸ It is believed that one such fever-bearing mosquito made its way to the nose of the emperor Titus, that accursed Roman who destroyed our Temple in Jerusalem.⁵⁹ Can you imagine a tiny Jewish-Palestinian mosquito killing a mighty Roman ruler? Father and mother already discuss potential bridegrooms for Leah. She is six years old and it is apparently not too early to contemplate a betrothal. I am Eleazar son of Sela,⁶⁰ and I am older than her by a good seven years. I am called after my great grandfather, who emigrated from the south (Judaea) to the Galilee long ago.

We live in the zone between Tiberias and Hammat, not far from the cardo, and within comfortable walking distance to several synagogues. Sometimes we journey with a cart and a donkey to visit our relatives in the rural hinterland where we attend services at their synagogue on the Sabbath. On one occasion when we spent Sabbath with our relatives in a village north-west of Tiberias, we went to their synagogue where the floor mosaic brought to life scenes from the Bible and from our rich history. I recognized Pithom and Ramses, the structures that our ancestors had built for the Pharaoh when they were slaves in Egypt. I delighted in looking at Pharaoh's chariots drowning in the Red Sea and I especially admired the courage of David, who was my age when he killed Goliath the Philistine.⁶¹ I also read the Aramaic inscriptions on the floor commemorating a scribe-teacher by the name of Shmuel, as well as the generosity of the sons of Shimon who donated the mosaics to honor their father. One day I will do

⁵⁷ J. Trachtenberg, *Jewish Magic and Superstition* (New York 1939, repr. Philadelphia 2004, 2012), 132ff. on amulets, esp. 139 on charms to protect children against the hazards of infancy.

⁵⁸ I. Wandrey, "Fever and Malaria 'for Real' or as Magical-Literary Topos," in *Jewish Studies between the Disciplines. Papers in Honor of P. Schäfer*, ed. K. Herrmann et al. (Leiden 2000), 257–66, esp. 262 on "healing" cameo from Galilean Horvat Kanaf.

⁵⁹ ARN B 7; BT Git 56b. J. Levinson, "'Tragedies Naturally Performed': Fatal Charades, Parodia Sacra, and the Death of Titus," in *Jewish Culture and Society under the Christian Roman Empire*, ed. R. Kalmin and S. Schwartz (Leuven 2003), 349–82.

⁶⁰ Name inspired by a Greek inscription from Tiberias, E. Damati, "A Greek Inscription from a Mausoleum in Tiberias," *Atiqot* 38 (1999), 91*–92* (Heb) (Eng. Abstract 227–8). For full listings, T. Ilan, *Lexicon of Jewish Names in Late Antiquity: Palestine 200–650* (Tübingen 2012).

⁶¹ Leibner, Hamam. Dated to c. 300 CE, Chapter 6.

the same. I particularly enjoyed the visit to another village nearby where the synagogue mosaics featured not only Samson carrying the gates of Gaza but also the elephants that the hateful Antiochus used to intimidate our Maccabees, in vain, of course.⁶²

At home, mother's pride and joy is the cylindrical oven in which she bakes the Sabbath special bread (*hallah*). Baking is one of the chores assigned to her by the rabbis.⁶³ Friday starts especially early for mother. It is a day of intense preparations for the Sabbath. Mother wakes up before dawn to bake, and she supervises our maid.⁶⁴ Together they prepare the meat, salt the fish, cut the vegetables and carry everything necessary for the Sabbath.⁶⁵ My little sister is in charge of gathering flowers and small branches to decorate our table.⁶⁶ After each Sabbath meal we inhale the refreshing smell of the flowers, their pleasant odor providing a fragrant epilogue to a day of rest. I remember once seeing an old man holding two very large bundles of myrtle and running at twilight. When father asked him why he carried two instead of one for a single Sabbath, the man replied that one is for "remembrance" (Ex 20:8) and the other for "observance" (Deut 5:12).⁶⁷ This is, I believe, what literal and true adherence to the Commandments means, as we Jews are enjoined to remember and to observe the Sabbath.

I love to listen to the sounds of the coming Sabbath as silence slowly spreads over the usual hubbub of our city. Granted, I do enjoy the feast of the Tabernacles and I love to shake the *lulav* (palm branch), but Sukkot comes only once a year and Sabbath arrives every six days. What a blessing. I hear that gentiles mock us for skipping a day of work out of laziness. But what do they know of divine commands? What do they know of our past, so beautifully narrated in our Bible? The so-called Christians know a lot but they deny our Sabbath.

It was a stroke of luck, according to mother, that I was born in time to be circumcised not on the Sabbath. I lost count of the arguments for and against circumcision on the Sabbath. I know that there are countless activities which are banned in order to induce a true and complete rest. Frankly, I have trouble in remembering even the list of the Sabbath's thirty-nine forbidden labors that our rabbis compiled.⁶⁸ All I remember is that these deal with three main categories: bread, which is a favorite item on my diet, clothing, about which I do not much care, and leather,

⁶² I am referring to Huqoq's mosaic, see Huqoq Excavation Project (<http://huqoqexcavationproject.org>). Chapter 6.

⁶³ M Ket 5.5, see also Chapter 4. ⁶⁴ BT BK 82a; Y. D. Gilat, "Preparing for the Sabbath," 8.

⁶⁵ BT Shab 119a. ⁶⁶ LevR 23.6; Gilat, 10. ⁶⁷ BT Shab 33b. ⁶⁸ M Shab 7.2.

a product about which I know nothing. What I find intriguing is that if a fire breaks out on the Sabbath, which I have seen happening not infrequently, we children are not allowed to put out the flames. Actually, father is not allowed to charge me with such a task, which is admittedly dangerous, but if I happen to be in the neighborhood of the disaster by chance I can do my best to quench the fire and no one will hold me guilty for transgressing the Sabbath.⁶⁹ Mother believes that any offence against the Sabbath will result in our death!⁷⁰

Sabbath arrives at last. It is now completely dark. Upon our return home, father inquires whether mother and my sister had completed a Sabbath *eruv*.⁷¹ What he meant was whether mother sent Leah with an item of food to be given to other mothers living in adjacent courtyards. This “mixture” of courtyards is designed to enable us to carry or transfer items beyond the domicile without running the risk of violating the Sabbath’s ban on carrying. Children can play an instrumental role in creating a neighborly pre-Sabbath activity. I heard a story about two of our neighbors who, after years of not exchanging a word, became friends on account of the *eruv* executed by their children:

It was decided to introduce *eruv* into courtyards for the sake of neighborly peace. How come? A woman sends her son to a neighbor. The neighbor hugs and kisses the child. His mother then reflects that the gesture shows that the neighbor thinks well of her and (hence peace comes to the neighborhood).⁷²

Through *eruv*, we children can assemble, carry and play outdoors on the Sabbath, in our yard or the neighbor’s, as long as we remain within the *eruv* boundaries. Years from now I know that my memories of the extent of Sabbath boundaries will be trusted and acted upon if necessary:

⁶⁹ M Shab 16.6; PT Shab 16.6; BT 121a.

⁷⁰ M San 7.8; Mekhilta Shabbta Ki tissa 1 on Exod 31:14; L. Doering, “Sabbath and Festivals,” in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, 2010, 570 [566–86].

⁷¹ T Eruv 2.1; Hauptman, “The Matter,” 97. On the significance of *eruv*, C. E. Fonrobert, “From Separatism to Urbanism: The Dead Sea Scrolls and the Origins of Rabbinic Eruv,” *Dead Sea Discoveries* 11 (2004), 43–71; eadem, “The Political Symbolism of Eruv,” *Jewish Social Studies* 11 (2005), 9–35, esp. 11 on the three types of *eruv*, sharing courtyards and alleyways, *eruv* of distance and of cooking; and eadem, “Diaspora Cartography: On the Rabbinic Background of Contemporary Ritual Eruv Practice,” *Images* 5 (2011), 14–25, and Chapter 2. See also Y. Tepper and Y. Tepper, “‘Mavoy, ‘Mavo’a’ and ‘Sabbath Boundary’ Alongside Jewish Communities of the Second Temple, the Mishnah and the Talmud,” in *Arise, Walk through the Land*, 55–88 (Heb). For a commentary on the Mishnaic tractate *eruv*, D. Instone Brewer, *Feasts and Sabbaths*, 87–114. Cf. contemporary *eruv* in New York City, R. W. Stump, *The Geography of Religion: Faith, Place and Space* (Lanham 2008), 1–32.

⁷² Tanhuma Genesis Noah 16; Hauptman, 98.

These are those who are trusted in adulthood to testify about what they saw in their childhood: A man is trusted to state that this was the handwriting of his father, and of his teacher, and of his brother . . . and he is also trusted when he states: This is as far as we used to walk on the Sabbath. (M Ket 2.10)⁷³

To receive the Sabbath at home my parents ensure that they, as well as we, the children, don clean cloths. We have special clothing for the Sabbath, which in our town is a sign of some wealth since many cannot afford such a luxury.⁷⁴ We do not have special shoes. Thank goodness that we need not fit our feet into tight sandals with nails, the kind that Roman soldiers wear.⁷⁵ Imagine the racket that these sandals would make on the Sabbath, a day of peace and quiet, and the terror that they would induce if anyone believed them to herald the arrival of real Roman troops. The rabbis also recommend that no one wears new shoes on the Sabbath unless they had been previously worn. How do they measure this “worn?” By the distance you cover if you walked in your new shoes from the great study house of our town to the shop of Rabbi Hoshaya.⁷⁶

My sister is allowed to wear pretty ribbons in her hair which she can show off when she leaves the house during the Sabbath, as long as she stays within permissible Sabbath boundaries.⁷⁷ I, on the other hand, have outgrown the age of wearing *kesharim*, a kind of knotted garlands tied to a cameo around my neck, like an amulet. Mother, who always worries about our health, would have liked to continue to equip me with amulets to ward off disease but our *bet din* (local rabbinic court) frowns upon boys older than nine wearing these.⁷⁸ Had Leah experienced only a skin disease, mother would have taken her to our thermal baths, which can cure nearly every skin ailment.⁷⁹ Ornaments and incantations are somehow linked, as though the sanctity of the Sabbath allows for general adornment, while for the sick the Sabbath inspires recovery.

Mother lights Sabbath candles. She is careful with the task, maybe because she is afraid of aborting.⁸⁰ Sometimes she is the one to light, other times father does it, and occasionally we, children, are also allowed to light a Sabbath candle. Father believes that the more candles he lights up

⁷³ J. Hauptman, *Rereading the Mishnah* (Tübingen 2005), 243–4; Chapter 2.

⁷⁴ BT Shab 113a; PT Peah 8.7. ⁷⁵ PT Shab 6.2; Gilat, “Preparing,” 10. ⁷⁶ Ibid.

⁷⁷ M Shab 6.6, Venice ms—on *ketanot*; M Shab 6.9 on male minors; PT Shab 6.9 emphasizing minors and not adults.

⁷⁸ Case 22, Newman, *Ma’asim*, 98–9, 150, specification following the vagueness of the term “minor-katan,” and Chapter 1.

⁷⁹ LevR 16.1; Dvorjetski, 236. ⁸⁰ M Shab 2.6; Hauptman, “Matter,” 91–8.

the wiser his sons, that is, I and future brothers, will turn out to be.⁸¹ There are so many candles that our house looks ready to welcome even God to our beautiful Sabbath table. I am hungry. I know that there are many Sabbath rules relating to food, how to keep it warm without heating it up, whether I can eat eggs that continue to cook in hot water or not, but right now I want to eat as much as I can without appearing to gorge on my food.

On the Sabbath, father likes to launch into a discourse about its sanctity, history and uniqueness.⁸² Our Sabbath, he explains, is a day of rest that marked the conclusion of the Creation which Genesis unfolds (Gen 1). For us, the “children of Israel,” the Sabbath was mandated in the wilderness when our ancestors entered a covenant based on ten foundational tenets.⁸³ The Sabbath commandment mirrors the divine ordering of the very week of creation. It further reminds us that our ancestors had been enslaved in Egypt, whence they were delivered with a promise of a territory of their own as well as of the day that celebrates freedom from labor every week. I also understand that within the Ten Commandments the Sabbath ordinance forms a striking exception. Only the Sabbath commandment regulates the behavior of adults at home by specifying the manner in which a man commands his own household, wife, children, slaves and even beasts of burden. When father recites the two versions of the Sabbath commandment, he always smiles at the mention of children and adds that keeping the Sabbath, as the great rabbi Shimon said, means eating, drinking and wearing clean cloths, a dictum to which I gladly subscribe.⁸⁴

My family often has a guest for Sabbath meals. Last week it was one of the local sages, who turned out to be a man lacking polite manners. As we were seated around the Sabbath table and father poured a glass of wine for him, our guest examined the wine in the light of a candle.⁸⁵ Mother later pointed out that this was not quite the thing but father defended our guest by saying that he acted upon instructions from his own rabbi. I must remember this line of defense.

Father and I spend much of the day of the Sabbath in the synagogue. Father is especially fond of the synagogue near the Hammat Tiberias baths, which, like the neighboring baths, is within the permissible boundaries of

⁸¹ BT Shab 23b.

⁸² Doering, “Sabbath and Festivals,” 566–86; J. Tabory, “Jewish Festivals in Late Antiquity,” in *The Cambridge History of Judaism IV*, 560–4.

⁸³ Sivan, *Between Woman, Man, and God*, passim.

⁸⁴ Mekhilta de Rabbi Shimon bar Yohai on Ex. 20:8; Y. D. Gilat, “Fasting on Sabbath,” *Tarbiz* 52 (1982/3), 2.

⁸⁵ PT Shab 1.3., 3b; Hauptman, “Matter,” 94.

walking. Over a century ago the famous Rabbi Meir used to preach there all day long.⁸⁶ Everyone in our town knows the story of how Rabbi Meir willingly submitted himself to humiliation in order to save a marriage, not his but that of an unknown lady who stayed so late to listen to him on Friday night that her husband suspected her of committing adultery with the rabbi. It is a very old story that has done the rounds for many decades and it made the synagogue famous.

Many people in our town flock to our synagogues and study houses on the Sabbath to listen to sermons. This is why the misplacing of keys on the Sabbath is a serious matter. On one occasion, when a rabbi forgot the key to the study house it was decreed that bringing the keys on the Sabbath would not constitute a violation because the crowds waiting to enter form a live wall, thereby creating a Sabbath boundary within which such an action is permitted.⁸⁷ I have my own Sabbath tasks. Only in Tiberias are we allowed to engage in these labors on the Sabbath! I must share with you these exceptional rulings because they demonstrate how special our city is on the Sabbath:

Our Rabbis taught: R. Hananya b. Akabya permitted the men of Tiberias three things:

To draw water from a balcony on the Sabbath, to store fruit in pea-stalks and to dry themselves with a towel. (BT Eruv 87b)

In our courtyard on the Sabbath my sister and her little friends sometimes play with a live locust. Although I am not sure whether this creature is pure or impure our sages permit this game since they assume that small kids are not likely to eat a locust, live or dead. If accidentally they kill the insect in the course of their game, it is assumed that, at most, they would deliver a funerary oration over its corpse.⁸⁸ Toddlers are even allowed to kill lice with impunity on the Sabbath since they do not have any religious obligations, as yet.⁸⁹ Sometimes on the Sabbath I leave home to join my friends in gathering grass, but I am always careful to remain within Sabbath boundaries.

Sabbath is a day of complete rest not only of the body but also of the mind. Some say that fathers are not allowed to teach their sons how to read for the first time on the Sabbath because this is labor and not leisure. I am allowed, though, to revise the Torah portion that I studied on Friday, before the onset of the Sabbath:

⁸⁶ PT Sot 1.4. ⁸⁷ PT Shab 9. ⁸⁸ M Shab 9.7; BT Shab 90b.

⁸⁹ PT Shab 1.3, 3b; BT Shab 12a.

Children are not to study a new portion of Bible on the Sabbath but they may make a first revision on the Sabbath . . . A new passage may not be studied for the first time so that the parents of the children may be free for the observance of the Sabbath. An alternative explanation [of this rule]: because on the Sabbath the parents eat and drink [more than on weekdays] and feel sluggish, as Samuel observed: The change in one's regular diet is the beginning of digestive trouble. (BT Ned 37a)

I confess that I am somewhat reluctant to sit and study on the Sabbath, especially when the day shines bright and the sun lures me outdoors. But to please father and mother I hold my tablet after the midday meal and try to focus on the words of the holy Torah and even to remember a few passages from the Mishnah. It is not easy because we eat well on the Sabbath. I am lucky in this respect. There are families which fast on the Sabbath not on account of excessive piety but because they cannot afford a proper Sabbath meal.⁹⁰ My family prefers to eat well on the Sabbath, better than we eat during the week when father is away in his shop.

It is not easy, even in a predominantly Jewish city, to engage in complete rest of body and mind on the Sabbath. We learnt at school what Sabbath piety is really about when the teacher told us about a man who, after he inspected the fence around his vineyard on the Sabbath, vowed afterward not to undertake any repairs because he realized that inspection meant labor and labor meant violation of Sabbath's most basic rule.⁹¹ Our own sages, the great Hillel and Shammai who lived long ago before the destruction of our Temple in Jerusalem, debated whether on the Sabbath we can give charity to the poor in the synagogue, betroth orphans or pray for the sick. The followers of the strict Shammai answer in the negative, adding a ban to prevent fathers from teaching sons even the most basic skills of literacy and of a future profession. The House of Hillel permitted all these activities, which they regarded as pious pursuits fitting the spirit of the Sabbath.⁹² Father, like so many in our town, vacillates between the two modes of Sabbath experiences. He will not be in his shop on the Sabbath but he thinks that to give charity in the synagogue on the Sabbath is appropriate since the needy need to be sustained even when God stopped the labor of the Creation. And he likes to expound around the table on

⁹⁰ Gilat, "Preparing," 27.

⁹¹ PT Shab 15.2; BT Shab 150b; LevR 34.16, Gilat, "Regarding the Antiquity of Several Sabbath Prohibitions," *Bar Ilan* 1 (1963), 113–14, note 32 [106–19] (Heb), repr. in idem, *Studies in the Development of the Halakha* (Ramat Gan 1992).

⁹² T Shab 16.21–2; BT Shab 12a; BT Shab 150a; Gilat, *ibid.*, 114.

matters that are considered an appropriate topic of conversation on the Sabbath.

Sabbath rules can be confusing, like mountains hanging by the hair, since Torah's teaching on the Sabbath is scant but the rules are many.⁹³ No wonder that the sages continue to ponder every aspect of the Sabbath, even whether one is allowed to talk or must maintain silence on the Sabbath! I doubt if I will ever be able or willing to observe a rabbinic Sabbath. I am right now content with not going to school or working in father's shop on the Sabbath and, of course, with the wonderful meals that mother prepares. As the first star appears in the sky, the Sabbath draws to its blissful ending. Over a glass of wine, father recites the dividing prayer (*havdala*) that draws a distinction between the sacred and the secular, the holy and the profane.⁹⁴ Three stars are shining and another beautiful Sabbath is over.

The Urban Context

Eleazar's city, Tiberias, provides an urban context charged with significance.⁹⁵ It was designed as, and remained, a predominantly Jewish town, an exception even in late ancient Palestine. Trouble had brewed already at its inception as a royal foundation of Herod Antipas in 19/20 CE. While the selected location was impeccable, on a lake just north of therapeutic hot baths, the selection of the area to be inhabited proved less auspicious since the city was apparently established atop a cemetery, a proximity considered by Jewish law to impute impurity. Tiberias' earliest settlers, according to the historian Josephus, had been a riffraff composed of Galileans notable for their poverty or marked by servitude and lured by promises of liberty and of free housing. In return for such bounty, the new inhabitants were forbidden to move away from the city.⁹⁶ By the middle of

⁹³ M Hag 1.8; T Hag 9.9; Eruv 11.23. ⁹⁴ BT Shab 150b.

⁹⁵ For a comprehensive overview see R. Porat, *Tiberias from Its Foundation to the Abolishment of the Patriarchate* (PhD Tel Aviv University 2013) (Hebrew with English abstract). My thanks to Ronit for providing me with a copy of her excellent dissertation. See also, Y. Hirschfeld (ed.), *Tiberias from Its Foundation to the Muslim Conquest* (Jerusalem 1988) (Heb); Y. Z. Eliav, "Sites, Institutions and Daily Life in Tiberias during the Talmudic Period," *MiTuv Tveria* 10 (1995), 1–106 (Heb); and K. Cytryn-Silverman, "Tiberias, from its Foundation to the End of the Early Islamic Period," in *Galilee in the Late Second Temple and Mishnah Periods*, ed. D. A. Fiensy and J. R. Strange (Minneapolis 2015), 186–210.

⁹⁶ Jos. Ant. 18–36–8; M. H. Jensen, *Herod Antipas in Galilee* (Tübingen 2006), 94–5. Tiberias' size has been estimated between 30 and 60 hectares, with population estimates ranging from 6000 to 15,000 or 18,600 to 27,900, J. L. Reed, *Archaeology and the Galilean Jesus* (Harrisburg 2002), 82; and C. S. Spigel, *Ancient Synagogue Seating Capacities. Methodology, Analysis and Limits* (Tübingen 2012), 314.

the first century the city already boasted its very own Jewish intellectual, Justus, a historian-turned-rebel-turned-deserter, who rose to prominence during the Jewish revolt against Nero (66–70 CE).⁹⁷ Destined to become Josephus' nemesis in both politics and historiography, Justus was well educated, mastered Greek and was no mean orator.⁹⁸ It is unclear where he would have acquired either his Greek proficiency or his Jewish education. Greek remained the favored language of funerary commemorations of donors' inscriptions throughout the history of Roman Tiberias.⁹⁹ Visitors to the city's cemeteries or frequenters of its synagogues, including children, would have presumably recognized Greek even if unable to read it.

Spared destruction by Vespasian, Tiberias' origins in a graveyard continued to plague potential settlers until Rabbi Simon bar Yochai (Rashbi) undertook its purification. The action, if historical, was accomplished well over a century after Tiberias' foundation, possibly because of the large-scale displacement of Jews to the Galilee following the failure of the Bar Kochba revolt in the early 130s.¹⁰⁰ How the question of territorial purity potentially impacted the lives of children and the state of their own bodies is reflected in the following rabbinic exemption:

If an infant (*tinok*) is found near a cemetery with roses (*shoshanim*, lilies) in its hands and it is evident that the flowers belong to an impure location (i.e. came in touch with a corpse), the child is nevertheless deemed 'pure' since the flowers may have been picked by someone else who then gave them to the infant. The same rule applies to a donkey who wanders among the graves: its harness is deemed clean. (M Tohorot 3.7–8)

What would the children do with flowers picked in cemeteries? Smell? (Re) Sell? Take them home?

⁹⁷ Josephus, Vita 37–8 with Z. Rodgers, "Justice for Justus: A Re-examination of Justus of Tiberias' Role in Josephus' Autobiography," in *Biographical Limits in the Ancient World*, ed. B. McGing and J. Mossman (Swansea 2006), 169–92.

⁹⁸ Justus apparently exhorted his coreligionists in Tiberias to join the rebellious Galilee. The city had been demoted by Nero, presumably losing the status of a polis granted to it by the emperor Claudius, Nero's predecessor, M. Sigismund, "Small Change: Coins and Weights as a Mirror of Ethnic, Religious and Political Identity in First and Second Century CE Tiberias," in *Religion, Ethnicity and Identity in Ancient Galilee. A Region in Transition* ed. J. Zangenberg, H. W. Attridge and D. B. Martin (Tübingen 2007), 316.

⁹⁹ See the excellent discussion of M. Schwabe, "A Contribution to the History of Tiberias. An Epigraphical Study," in *Yochanan Levy Memorial Book. Studies in Jewish Hellenism*, ed. M. Schabé and J. Gutman (Jerusalem 1949), 200–49 (Heb).

¹⁰⁰ L. I. Levine, "R. Simeon b. Yohai and the Purification of Tiberias. History and Tradition," *HUCA* 49 (1978), 143–85; M. H. Zellentin, *Rabbinic Parodies of Jewish and Christian Literature* (Tübingen 2011), 173–212; M. Bar Asher Siegal, *Early Christian Monastic Literature and the Babylonian Talmud* (Cambridge 2013), 133–69.

Archaeological remains associated with early Tiberias include fragments of marble floors attributed to the palace of Herod Antipas, as well as the city's imposing southern gate, at the southern tip of the *cardo*, Tiberias' main north-south street.¹⁰¹ Of the city's markets, a row of shops unearthed east of the *cardo*, and several lead weights inscribed with names of *agoranomoi* (market supervisors), attest the city's vibrant economy on the eve of the revolt against Rome in 66 CE. These markets also served as hubs of rabbinic activities, as can be inferred from a reference to Ben Azzai (mid-second century), a well-known sage who frequented these markets not to shop but rather to preach on the finer points of Torah to anyone who cared to listen (BT Sot 45a; Eruv 29a; Kid 20a).

A temple to Hadrian (117–38 CE) was constructed in the heart of the city in the early second century. Two centuries later, the Hadrianeum stood as a white elephant in the heart of the city, an imposing and unfinished monument begging conversion.¹⁰² A portion of the precinct was usefully turned into a fish pond,¹⁰³ an installation that must have lent a peculiar smell to the city center. Notwithstanding such reminders of Roman imperial control, the coinage minted in Tiberias in the first century (under Herodian dynasts) is marked by studied avoidance of images, while in the second century deities like Hygeia and Tyche make an appearance.¹⁰⁴ Tiberias also boasted a stadium (initially constructed in the first century) which excavations located on the northeastern perimeter of the city, and a theater, located on the western side of the *cardo*, whose history spanned several centuries of activities.

There is a curious disjuncture between the character of the city, defined as Jewish by its modern observers, and the conventional components of a Greco-Roman urban center revealed by archaeologists.¹⁰⁵ If Tiberias' reputedly multiple synagogues lent it a distinctly Jewish hue, those so far unearthed are quite small, containing at most a few

¹⁰¹ Y. Hirschfeld and K. Galor, "New Excavations in Roman, Byzantine, and Early Islamic Tiberias," in *Religion, Ethnicity and Identity in Ancient Galilee: A Region in Transition*, ed. J. K. Zangenberg, H. W. Attridge and D. B. Martin (Tübingen 2007), 207–29; Sh. Miller, "Tiberias," in *The Oxford Encyclopedia of the Bible and Archaeology* 2 (2013), 429–37; eadem, "The Late Antique Mosaics of Tiberias: Artistic Trends and Architectural Contexts," *Eretz-Israel* 31 (2015), 247–55 (Heb); Zangenberg, *ibid.*

¹⁰² Sivan, *Palestine*, 23–4. 309–10 on the Hadrianeum conversion controversy.

¹⁰³ Hirschfeld/Galor, 215.

¹⁰⁴ Sigismund, "Small Change," 315–36. I suspect that Tyche has become neutralized by then, symbolizing the welfare of the city rather than its religious denomination, while Hygeia presided over Tiberias' famed hot baths, probably likewise denuded of dramatic pagan connotations.

¹⁰⁵ S. Freyne, "The Cities and the Hellenistic Ethos of Galilee," in *idem, Galilee from Alexander the Great to Hadrian* (Edinburgh 1980), 101–54, esp. 133–4.

hundred seats.¹⁰⁶ Perhaps, then, they were not especially conspicuous within the cityscape. The capacity of the famed therapeutic hot baths at Hammat Tiberias has never been calculated. We know that throughout their history these thermal establishments were visited by a host of Jewish, and likely non-Jewish, dignitaries, including the Jewish patriarch, Rabbi or Judah ha-Nasi, redactor of the Mishnah (BT Meg 5b; BT Shab 40b, c. 200 CE).¹⁰⁷

Yet, Tiberias' Jewish character seems not in doubt. A few decades after the destruction of the Jerusalemite Temple, Rabban Gamaliel of Yavneh and the Elders visited Tiberias, where the former was "caught" reading the book of Job in translation (into Greek?).¹⁰⁸ While in Tiberias, Gamaliel issued a rule about using a certain type of key to lock a synagogue in the city on the Sabbath.¹⁰⁹ Perhaps such key controversies elicited the following story that involved children acting as a shield between the permissible and the forbidden on the Sabbath:

R. Isaac b. Bisna (c. 300 CE) once lost the keys of the school house in a public domain on a Sabbath. When he came to R. Pedat the latter said to him: 'Take a few boys and girls [to the spot] for if they find [the keys] they will bring them back' . . . Come and hear: If an idolater came to extinguish [a fire], he is not to be told either: 'Put it out' or 'Do not put it out,' because he is not bound by Sabbath rules. If a (Jewish) minor (*katan*) came to extinguish [the fire], he must be told: 'Do not put it out,' since it is the duty of the Israelites present to enforce his Sabbath rest! R. Yochanan said: Only when [the child acts] according to his father's instruction he is to be prevented [from putting out the fire]. (BT Yev 114a)

The passage demonstrates children's agency when adults are circumscribed by Sabbath's biblically ordained rest. The rule is linked with Rabbi Yochanan, Tiberias' most famous rabbi. In Eleazar's narrative, I am using such episodes to convey the experiences of childhood in both temporal and spatial contexts.

¹⁰⁶ Spiegel, *Synagogue Seating Capacities*, 220–8, estimates that the so-called Severus' synagogue of Hammat Tiberias stratum II (3rd–5th century) could house 139 and 166 seats, rising to 442–764 in its later stratum I (6th–8th centuries). The second identifiable synagogue in Hammat (4th–6th centuries) could contain 140–179 seats. In Tiberias itself the late ancient synagogue (6th–8th centuries) had a seating capacity of 325–491 (Spiegel, 315).

¹⁰⁷ On the excavated bathhouse in the city center, east of the *cardo*, with phases dating to the first through the seventh to eighth centuries, Miller, "Tiberias," 433. On bathhouses in general, Dvorjetski, *Leisure, Pleasure and Healing*, passim, esp. 127f.

¹⁰⁸ T Shab 13.2; BT Shab 115a, c. 100 CE, A. Oppenheimer, "Rabban Gamaliel of Yavneh and his Circuit of Eretz Israel," in Idem, *Between Rome and Babylon: Studies in Jewish Leadership and Society* (Tübingen 2005), 145–55.

¹⁰⁹ M Eruv 10.10; Oppenheimer, 147.

By the middle of the third century Tiberias had become a rabbinic stronghold, apparently boasting a rabbinic academy and its very own thirteen synagogues.¹¹⁰ Two names of famed rabbinic sages are especially linked with the city, including its adjacent settlement of Hammat Tiberias. One is Rabbi Meir, who resided in Hammat for a while in the middle of the second century; the other is Rabbi Yochanan, who was active in Tiberias in the first half of the third century.¹¹¹ Rabbi Meir used to attract large crowds to his preaching on the eve of the Sabbath (Friday) in the synagogue of Hammat, and his name is linked with several Sabbath rules.¹¹² One of Meir's associates, a notable philosopher named "Oenomaus" of Gadara,¹¹³ famously used children as a metaphor symbolizing the vitality of Judaism itself:

Pagans came to him [CEnomaus] and asked: How can we injure this nation [the Jews]? He answered, Go and visit the synagogues and study houses. As long as children continue to chirp [as they learn the Torah] there you will not be able to injure them. (GenR 65.20; PRK 1.5; LamR Pet. 2)

The centrality of Tiberias in Jewish life in Palestine was cemented with the permanent settlement in the city of the Jewish Patriarch, the foremost dignitary of the land (c. 300).¹¹⁴ The move coincided with the construction of a "basilica" measuring some 2000 square feet and built apparently atop the royal residence of the city's first-century

¹¹⁰ For the figure of thirteen synagogues, BT Ber 8a. On excavated synagogues, two to date in Tiberias and two in Hammat Tiberias, Sh. Miller, 433. See also J. C. Poirier, *The Tongues of Angels: The Concept of Angelic Languages in Classical Jewish and Christian Texts* (Tübingen 2010), 40, on rabbinic control of Tiberiade synagogues. B.-Z. Rosenfeld, *Torah Centers and Rabbinic Activity in Palestine 70–400 CE* (Leiden 2010), 120–6 listing the rabbis linked with Tiberias between the first and the fifth centuries.

¹¹¹ Perhaps the presence of Meir coincided with the formal unification of Tiberias and Hammath Tiberias, a measure that expanded Sabbath boundaries, although the two remained apparently two distinct entities (T Eruv 5.2 vs PT Meg 1.1). R. Kimelman, "Judaism in the Greco-Roman City. The Case of Third Century Tiberias," *Society of Biblical Literature. Seminar Papers* 1980, 101–12.

¹¹² R. G. Goldenberg. *The Sabbath-Law of R. Meir* (Missoula 1978).

¹¹³ M. Luz, "Oenomaus and Talmudic Anecdote," *JSJ* 23 (1992), 42–80, esp. 60–4 on various versions of this utterance, concluding that Oenomaus was a type of philosopher rather than a specific individual.

¹¹⁴ The association of the settlement of the Nasi with the alleged arrival of the Sanhedrin, often referred to (Sh. Miller, "Tiberias," 432; E. M. Smallwood, *The Jews Under Roman Rule: From Pompey to Diocletian* (Leiden 1976), 474, for two such examples), is dismissed by C. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen 1997), 186–91. On the disjunction between the Talmudic "Great Sanhedrin of Jerusalem" and the reality of its apparent absence from Jewish history altogether, J. Efron, "The Great Sanhedrin in Vision and Reality," in *Studies on the Hasmonaean Period* (1987), 287–338. See also A. Sivertsev, *Private Households and Public Politics in 3rd–5th Century Jewish Palestine* (Tübingen 2002), 19–94.

royal founder.¹¹⁵ A member of the patriarch's household, Severus, endowed a stunning mosaic on the floor of the synagogue at Hammath Tiberias, rich with symbols associated with Judaism, with the Jerusalemite Temple, as well as with the decidedly non-Jewish zodiac and Helios riding a chariot (late fourth century). Reflecting this integrative mode is the apparent relaxation of Sabbath rules only in Tiberias, precisely on account of the city's hot springs. In Tiberias alone the rabbis allowed residents to cook food on the Sabbath using the natural heat that emanated in the hot springs (BT Pes 41a).

Throughout its history in antiquity, Tiberias displayed Jewishness' multiple facets. The city's synagogues and funerary inscriptions, in Greek, Aramaic and Hebrew, as well as its architecture and art, suggest a symbiosis built on a delicate interplay between tenets of Jewish piety and urban philanthropy. The degree of familiarity with Greek among urban Jews is impossible to assess and probably relates to social and economic status. The degree of "Hellenization" of the class of donors in Tiberias is equally an open question. Preferences of language or of visuals should be considered not so much a desire to convey a certain message as a literary convention for speaking about Jewishness.¹¹⁶

The Temporal Framework: The Sabbath

Of the practices that non-Jewish observers habitually associated with Judaism, namely circumcision, food regulations and purification rites,¹¹⁷ the Sabbath day was the most visible and conspicuous.¹¹⁸ It was regular,

¹¹⁵ Hirschfeld/Gallor, 227–9 associate the basilica (which they date to the fourth century) with the court presided, it seems, by the patriarch. Miller, "Tiberias," 434, prefers late fourth/early fifth and regards the complex as a large urban mansion containing private and public wings.

¹¹⁶ In the early fifth century, Tiberias was still home of linguistic experts, like the scholar of Hebrew whom Jerome recruited to verify his own translation of Chronicles, "a certain doctor of the Law who was greatly esteemed among the among the Jews" (*Legis quondam doctorem qui apud Hebraeos admirationi habebatur*), *Praefatio in libro Paralipomenon* (iuxta LXX), PL 29.401B, with Jacobs, *Remains of the Jews. The Holy Land and Christian Empire in Late Antiquity* (Stanford 2004), 88, assuming Jerome to refer to a Jew and not to a converted one, as has been asserted by G. Stemberger, "Exegetical Contacts between Christians and Jews in the Roman Empire," in *Hebrew Bible, Old Testament: The History of Its Interpretation*, volume 1, ed. M. Sæbø, 569–88, esp. 583.

¹¹⁷ A. Wright, "Jewish Identity." Wright A. "Jewish Identity, Beliefs, and Practices: Circumcision, Sabbath, Food Laws and Purity," posted online. (www.academia.edu/1403058/Circumcision_Sabbath_Food_and_Purification_Rites_in_Early_Judaism). The bibliography on the Sabbath is fairly extensive. Especially useful is the series of articles written by Y. D. Gilat and gathered in his *Studies in the Development of the Halakha* (Ramat Gan 1992) (Heb) See also A. P. Bloch, *The Biblical and Historical Background of Jewish Customs and Ceremonies* (New York 1980), 107–40.

¹¹⁸ H. McKay, *Sabbath and Synagogue* (Leiden 1994) for a comprehensive overview of primary sources prior to 200 CE. Chapter 2.

repetitive and was celebrated in the home and in the synagogue wherever Jews lived, whether in the Mediterranean Diaspora or Roman Palestine or Parthian-Sassanid Persia. Several Sabbath features drew criticism from gentiles. Sabbath's apparent complete inactivity, so odd within an environment of labor without a break, was often taken as a mark of indolence, hence confirming the otherness of Jews. Around 400, Jerome even claimed that Jews spent the Sabbath in utter immobility, virtually chained to chairs.¹¹⁹ Gentiles considered Sabbath candles responsible for generating too much soot, hardly a welcome addition to urban pollution.¹²⁰ Such comments, however, are no more than snippets, tantalizing voyeurism based on sight, hearsay and possible informants. They reflect a failure to grasp both the attachment of Jews from infancy to this biblically ordained fest, as well as the continuous rabbinic grappling with the implications of biblical guidelines.

Of the plethora of rabbinic rules relating to the Sabbath, a few touched on the behavior of children. In one instance (M Shab 1.3), teachers are enjoined to monitor the Torah reading of children at school on the eve of the Sabbath (Friday) lest, as darkness settled, the boys would tilt a candle to read better, thereby relighting it and consequently transgressing the command that forbade the lighting of fire on the Sabbath. The Tosefta suggests that children (*tinokot*) were not likely to transgress the Sabbath since they would anyway prefer to let the candle die naturally, thus bringing class to a close.¹²¹ If fire erupted somewhere children were barred from extinguishing it lest it would appear that an adult authorized this transgression of the rule of Sabbath rest (M Shab. 16.6).

Potential Sabbath transgressions by children prompted questions of responsibility for one's actions, whether the child's own or the child's father's. In commenting on the biblical Sabbath Commandment (Ex 20:10) that enjoined a man to ensure complete rest for all members of his household, including slaves, animals, sons and daughters, a distinction was drawn between actions dictated by an adult (which are forbidden) and those taken by an enterprising child on its own accord:

¹¹⁹ Ep. 121.10. For the date and comments on the letter's preface, A. Cain, *The Letters of Jerome. Asceticism, Biblical Exegesis, and the Construction of Christian Authority in Late Antiquity* (Oxford 2009), 188–93, dated to 407 CE. The letter has never been translated in full into English. It is by far the longest of Jerome's epistles and deserves a full study. R. Hennings, "Rabbinisches und Antijüdisches bei Hieronymus Ep. 121,10," in *Christliche Exegese zwischen Nicaea und Chalcedon*, ed. J. van Oort and U. Wickert (Kampen 1992), 49–71.

¹²⁰ Persius apud McKay 103–6.

¹²¹ Cf. T Shab 1.12, attributed to Shimon b. Gamaliel, stating that children prepare their chapters [of the Torah] on Sabbath nights by the light of a lamp, without referring to a teacher.

Do not tell your child (*katan*) to bring a vessel in from the market or a basket of goods from the market. Perhaps the intention [of this saying] was to supervise a child lest it breaks the vessel or drops the bundle. But the text (Ex 20:10) specifies “you”. [Consequently there is no point in forbidding a child to do these because] just as you act according to your own mind, so does a child since it is its own labor. (Mekhilta de R. Simeon b. Yohai on Ex 20:10)

Among activities that did not amount to transgressing the Sabbath the rabbis included circumcision, an action in which a baby boy is a passive agent (M Shabbat 18.3; 19); and carrying one’s infant, even if the latter is clutching an impure object, like a stone, in its hand (M Shabbat 21.1).¹²² Such rules often hinged on the precise age of transition from childhood to adulthood: when did a child reach an age of comprehending that he is clutching an item considered impure? In other words, how was an age of legal obligation determined?

Conclusion

Eleazar is approaching the age of thirteen, at which children (male) were considered ripe to assume all Torah obligations (*mitzvot*), perhaps from around 300 CE or later. Yet, childhood did not have fixed boundaries, nor were these merely a matter of calculating the age at which one crossed the threshold of childhood to become an adult. Biblical ordinances counted as fully fledged Israelites only males at twenty and above.¹²³ Rabbinic readiness to wrestle with this concept is reflected in a recorded disagreement over age and marital matters between the two great “schools” of Hillel and Shammai (first century CE), in which one side endorsed the biblical age of twenty, and the other the age of eighteen (M Nid 5.9). The compromise reached settled not on age, be it twenty or eighteen, but on the basis of pubescence verified by an examination of (pubic) hair as the incontestable sign of the end of childhood (M Nid 6.11).¹²⁴

What about Christianity in the Galilee in general and in Tiberias in particular? Around 300, Christianity in Palestine appeared limited to settlements where Jews constituted a minority. It was, however, there,

¹²² On the Sabbath rule forbidding carrying, see A. P. Jassen, “Tracing the Threads of Jewish Law: The Sabbath Carrying Prohibition from Jeremiah to the Rabbis,” *Annali di storia dell’esegesi* 28 (2011), 253–78.

¹²³ Numbers 1:2–3; Ex 30:12–16 (census and bearing arms), the ability to be numbered among the Levites serving in the Temple (1 Chron 20:24–7) and the obligation of paying Temple tax (Lev 27:1–8).

¹²⁴ Chapter 1.

beneath the surface, and ready to come out in the open. In Tiberias a major attempt was made to introduce Christianity into the city already at the beginning of the fourth century, in Eleazar's projected lifetime. The enterprise was connected with Joseph, a member of the household of the Patriarch in Tiberias.¹²⁵ The story, inserted into Epiphanius' lengthy list of heresies, has garnered considerable scholarly attention, not least because he claimed that Joseph was able to secure imperial sponsored projects of church building in the heart of the Jewish Galilee.¹²⁶ Joseph, who must have known Tiberias intimately, may have succeeded in appropriating a portion of the Hadrianeon, the unfinished temple dedicated to Hadrian in the early second century, for a church. The move provoked tenacious Jewish opposition. If Epiphanius is to be believed, the Tiberiad Hadrianeum became a battlefield in which one side (Joseph's) deployed miracles while the other (Jews) resorted to fire.

The story provides valuable insights into street scenes in Tiberias, albeit without children. We learn about a mad man who walked around naked and was cured by Joseph, whose fame began to spread around town as a miracle maker. We learn of gatherings around the kilns outside town in order to foil Joseph's construction plans. These demonstrations may have included children. In Eleazar's childhood, at the very dawn of the fourth century, Christianity played no role, as yet. A century later, Christianity changed the lives of countless Jewish children around the Mediterranean.

¹²⁵ Panarion, 30.

¹²⁶ Sivan, *Palestine*, passim. The connection with the court indirectly lends credence to Epiphanius' claim of Joseph's membership in the Nasi's influential household. See also S. Goranson, "Joseph of Tiberias Revisited: Orthodoxies and Heresies in Fourth Century Galilee," in *Galilee through the Centuries. Confluence of Cultures*, ed. E. M. Meyers (Winona Lake 1999), 335–45.

The Birth of a Wandering Jewess (c. 415–435 CE)
The Story of Rachelis Daughter of Eleazar and Esther
of Alexandria (Early Fifth Century CE)

This chapter takes us on a tour of the Mediterranean with Jewish refugees who sought respite from persecution.¹ We meet the child protagonist in her hometown, the great Alexandria, and we follow her to a wedding in Egyptian Antinoopolis after the family had been exiled from Alexandria in CE 415 following riots staged by Cyril of Alexandria. We rejoin the family as they sail from Egypt to Minorca in the Balearic Islands in search of a new life only to become embroiled in the conversion campaign of a local priest. We then accompany the girl as her family heads back to the eastern Mediterranean, to the island of Crete, where they hope to rebuild their shattered life. On Crete the family is embroiled in a movement launched by a self-proclaimed Jewish messiah who promised to cleave the sea and to bring them to the Promised Land of their ancestors. The story of Rachelis serves as a precursor of the figure of the wandering Jewess who, rejected and ejected, is forced periodically to take to the road.²

The evidence for events involving the Jewish communities in late ancient Egypt, Minorca and Crete, discussed in this chapter, primarily consists of Christian accounts. Socrates' church history contains important information relating to the anti-Jewish enterprises of bishop Cyril of Alexandria in the early fifth century, as well as to the mysterious figure of

¹ On the changing "travel culture" in Late Antiquity with the addition of refugees, Christian officials, women and monks to the traditional panoply of travelers, M. Dietz, *Wandering Monks, Virgins, and Pilgrims: Ascetic Travel in the Mediterranean World AD 300–800* (Philadelphia 2005), 11–24.

² This is also, in essence, an exploration of both the formation of a Diaspora and of the aftermath of its disappearance from the written records, the latter a subject rarely if ever explored. I doubt if we can quantify or even qualify whether migrations leading to the creation of a Diaspora were either forced or voluntary. Nor is a consensus likely to emerge any time soon regarding the Jewishness of Diaspora communities or the nature and extent of their links with Roman Palestine and its rabbinic "class." The late ancient Diaspora here presented may have little in common with the communities presented in E. Gruen, *Diaspora. Jews amidst Greeks and Romans* (Cambridge MA 2004), who stops with Josephus and Nero. For a brief summary of modes of travel in late antiquity, B. Leyerle, "Mobility and the Traces of Empire," in *A Companion to Late Antiquity*, ed. P. Rousseau (2009). On Jewish mobility, C. Hezser, *Jewish Travel in Antiquity* (2011), passim.

Moses of Crete. Cyril's own writings provide additional information on contemporary Alexandria as seen from the pulpit. Severus of Minorca recorded in an encyclical letter his "achievement" of single-handedly converting the large Jewish community on the island. To counterbalance these patently biased accounts we have a single Jewish document, a marriage contract (*ketubah*) from Egyptian Antinoopolis, dated to 417 CE.

Rachelis' Story

The last happy memory of my beloved homeland was the wedding of my older sister Metra. It was an occasion both sweet and bitter. Our parents had hoped to celebrate the weddings of their daughters in our beautiful city of Alexandria. Instead, the ceremony took place far up the Nile, in the town of Antinoopolis, a thriving capital of the Thebaid region, at the family home of Metra's bridegroom.

On our mother's side my family boasts a long line of ancestors born and bred in Alexandria on the Sea. According to my maternal grandfather, the family had been living in Egypt from time immemorial. I suppose that by immemorial he meant that our ancestors had settled in Alexandria soon after its foundation by the famous Macedonian king who gave it his name. My father was born far from Alexandria, in a town on the coast of remote Hispania. He took to the sea and became a crew member under a Jewish captain aboard a ship that plied its way between the African coast and the great Mediterranean ports.³ When his ship anchored in Alexandria's harbor for maintenance and repairs the Jewish crew lodged in our neighborhood, guests of coreligionists. This is where love blossomed between father and mother. And this is where I and my two sisters were born. Mother is a professional midwife. Metra is already her chief assistant. I plan to follow in their footsteps. When the first disaster struck, Metra was fifteen years old, I was ten and little sister six.

My first inkling of the fate in store for us arose when mother came running back home, sooner than expected. "We must leave now." She said. "Otherwise we will die. Cyril knows no pity. He hates us. His henchmen will kill us." Coming from mother, who looks births and deaths in the eye every day, these words scared me. But I was schooled in obeying parental orders and did as was instructed. Little sister started to cry. She could not

³ A profession frowned upon by the rabbis, M Kid 4.14, who forbade fathers to train their sons as sailors, barbers, muleteers, cameleers, barbers, shepherds and shopkeepers. See also Chapter 2 (children at work), a rather impractical proposal which reflects rabbinic emphasis on learning and on "rabbinic" childhood.

find her doll. I rushed to the yard and there it was, lying where sister had dropped her the day before.

I cared little for such a hasty departure. I worried about my apprenticeship contract. Mother and I had been so pleased when the most experienced midwife in our neighborhood had consented to take me as an apprentice for four years. She has taught me a great deal in the passing year. I have already learnt by heart the treatise written by our famous Herophilus on midwifery and delivery, even though, as my mentor emphasized, he was not entirely correct in claiming that “there is no disease peculiar to women because the uterus becomes diseased through the same agency of the same things as any other part of the male or female body.”⁴ Of course he, too, realized that men do not menstruate, undergo childbirth or engage in breastfeeding. In my first year of apprenticeship I observed that many childbirths do not proceed smoothly due, as my mentor explained, to many factors such as the position of the fetus, diet and multiple births. My main role was to prepare and clean the vital instruments of midwifery. For each delivery I prepared a bowl of clean olive oil, warm water, ointments, soft sea sponges, pieces of wool, bandages, a pillow, herbal mixture to revive fainting mothers and my mistress’ stool.⁵

Leaving Alexandria meant not only losing our home but also the prospect of practicing my future profession as a midwife in the busiest city of our land. The patronage of my mentor would have ensured that upon completion of my contract my services would be sought after and my income assured. I wanted to stay in Alexandria, which I loved. I often walked around the lovely central part of our city, passing by the theater, which was frequented by everyone, including fellow Jews who were not supposed to attend theatrical performances yet gleefully did nevertheless. I liked to look at the school which was being built under my own eyes, an institution to which I could, alas, never belong.⁶

I know that my city can be brutal. Too many people in too crowded a space. The recent election of Cyril, nephew of the city’s late bishop, in his place infused the city with palpable tension. I overheard my parents discussing the new bishop’s grandiose ambition to rule the city and to make Alexandria wholly Christian. His uncle had already destroyed the

⁴ H. Von Staden, *Herophilus. The Art of Medicine in Early Alexandria* (Cambridge 1989), 296–9.

⁵ Soranos, *Gyn.* 2.2.2, cited (and here abbreviated) in V. French, “Midwives and Maternity Care in the Roman World,” *Helios* 13 (1986), 69–84.

⁶ J. McKenzie, *The Architecture of Alexandria and Egypt, C. 300 B.C. to A.D. 700* (2007), 209f. on Kom el Dikka excavated area.

greatest and oldest temple in the city.⁷ Even I have noticed the gangs of monks that followed Cyril everywhere in the city. But we believed that Cyril's wrath was directed only against those he called pagans. We were wrong.

As we rushed out of our home we were joined by throngs of humans who, like us, clutched their hastily packed belongings and headed in all directions. Father, always the sailor, wanted to take to the sea and to sail far away from Egypt. Mother wanted to head up the Nile to our relatives in Antinoopolis. It was winter and they agreed that it was safer to take a boat up the Nile rather than risking storms in the open sea.⁸ They had no time to arrange for a traveling party overland, with donkeys and camels, and they feared that emergencies like ours would increase the cost considerably.⁹ Besides, mother wanted to stay in Egypt. She hoped, I know, that one day we would return home.

Because father had friends among those who plied commercial barks along the Nile, we managed to obtain space on a boat transporting goods from Alexandria to Hermopolis Magna and Antinoopolis, which were, as we realized, twin towns, facing each other across the river.¹⁰ All the way up the Nile father mumbled how right old Philo had been when he described what happened to the Alexandrian Jews of his time: "They overran our houses, expelling their owners with their wives and children . . . then they stole the furniture and other cherished valuables."¹¹ Our tragedy was, according to father, the fact that the imperial court is run by Christian zealots and that we no longer have leaders like Philo who can ably present our case at the court.

⁷ J. Hahn, "The Conversion of Cult Statues: The Destruction of the Serapeum 392 AD and the Transformation of Alexandria into the 'Christ loving' City," in *From Temple to Church*, ed. J. Hahn et al. (Leiden 2008), 335–63. On the auditoria, T. Derda, T. Markiewicz and E. Wipszycka (eds.), *Alexandria: Auditoria of Kom-el-Dikka and Late Antique Education* (Warsaw 2007); on schools in general, R. Criboire, "School Structures, Apparatus, and Materials," in *A Companion to Ancient Education*, ed. W. M. Bloomer (Malden 2015), 49–59.

⁸ C. Adams, *Land Transport in Roman Egypt: Economics and Administration in a Roman Province* (Oxford 2007).

⁹ The travel here conjured based on the one taken by Theophanes in the early 320s, albeit from Antinoopolis to Alexandria, by water, C. Adams, "There and Back Again: Getting Around in Roman Egypt," in *Travel and Geography in the Roman Empire*, ed. C. Adams and R. Laurence (London 2001), 160 [138–66].

¹⁰ On the topographical relationship between the two cities and the Nile, M. Malouta, "Urban connections: Arsinoe, Antinoopolis and Hermopolis in the papyri," in *The Graeco-Roman Space of the City in Egypt: Image and Reality*, ed. E. Subias et al. (Tarragona 2011), 49–56; J. Bunbury and M. Malouta, "The Geology and Papyrology of Hermopolis and Antinoopolis," in *Landscape Archaeology Conference (LAC 2012), eTopoi. Journal for Ancient Studies, Special Volume 3* (2012), 119–22.

¹¹ Legatio ad Gaium 121–2.

Our arrival seemed to cause havoc. We were perplexed but soon learnt that the reason was mistaken identity. Someone had taken father to be the man from Alexandria whose arrival he both anticipated and dreaded on account of a forthcoming trial.¹² We never found out what happened either to the fearful local or to the Alexandrian. Father soon found work in the local stone quarries.¹³ He became a crane operator and kept joking that this is a labor fit for sailors, only that instead of manipulating ropes and sails he maneuvered the crests of mountains with poles as thin as spills and with slender ropes.¹⁴ Most of the quarried stones were used to build monasteries which could be seen practically everywhere around Antinoopolis.¹⁵ We heard that there were twelve monasteries of women in town and 1200 of the Christians called “ascetics.”¹⁶

Antinoopolis reminded me of Alexandria, only on a much smaller scale.¹⁷ Its main street and cross street were embellished with colonnaded arcades, porticoes and arches, and it boasted a theater and a circus for chariot races, which my father greatly favored. Its strangest structure was a circular gymnasium, which I never saw from the inside.

In the second year of our stay in Antinoopolis, the year of the eleventh consulship of the emperor Honorius and the sixth in the current sabbatical cycle, a marriage was arranged for my sister Metra.¹⁸ The bridegroom was Samuel son of Sampati (Sambathion), who belonged to a local family which was somehow related to us. Our parents did their very best to equip my sister with a dowry suitable to our position, an act of generosity that cost them nearly everything that they managed to salvage from our home in Alexandria.¹⁹ We had neither land nor houses, not even precious jewelry, but Metra joined her husband with finely woven textiles which impressed those who saw and touched them even in a locality known for its

¹² A. Tcherikover, A. Fuks, M. Stern and D. Lewis, *Corpus Papyrorum Judaicarum* III, 505, dated to the fifth or sixth century, is a letter alluding to the expectant arrival of a Jew from Alexandria whose name or business are not disclosed. The papyrus’ provenance is unknown; see also C. Haas, *Alexandria in Late Antiquity. Topography and Social Conflict* (Baltimore 1996), 114–15.

¹³ M. Coli, G. Rosati, G. Pini and M. Baldi, “The Roman Quarries at Antinoopolis (Egypt): Development and Techniques,” *Journal of Archaeological Science* 38 (2011), 2696–2707.

¹⁴ Based on the commemoration of a crane operator from Hermopolis, D. M. Bailey, “Classical Architecture,” in *The Oxford Handbook of Roman Egypt*, ed. C. Riggs (Oxford 2012), 196.

¹⁵ <http://antinoopolis.net/bibliography/> for useful bibliography sponsored by the Antinoopolis Foundation; R. Pintaudi, *Antinoopolis. Scavi e materiali* I (2008) and II (2014).

¹⁶ Palladius, *Historia Lausiaca* 58–9. Palladius spent several years in Antinoe/Antinoopolis, in the second decade of the fifth century, precisely when this narrative takes place.

¹⁷ McKenzie, 154–7. ¹⁸ Date taken from the Antinoopolis *ketuba*.

¹⁹ Satlow, *Jewish Marriage*, 199f. on dowries (or wife’s marriage money) and the economics of marriage.

textile industry.²⁰ These consisted of a specially dyed and woven tunic worth half a denarius, a short-sleeved hooded long tunic in the Anazarba (Cilicia, Asia Minor) style, two colored tunics in linen, a bathing set also worth half a denarius, a girdle of the same value, a pair of bands of the same value and another pair of girdles. The sum total of the woolen and linen items with their container amounted to nine denarii and a half.²¹ Mother also gave Metra two gold denarii to be made into bracelets. Altogether, Metra's dowry was nearly the same value as the bridal gifts with which Samuel presented her, which amounted to sixteen denarii.

A year later, Metra and her baby boy were dead. The funeral was attended by all the Jews in town. Even Neilammon, head of the Jewish community in nearby Hermopolis, attended.²² Metra and the baby were laid together in a wooden coffin. We dressed the baby with three hooded tunics, each sewn from pieces of linen of discarded garments.²³ We decorated the hood of the topmost tunic with four little tassels from black and red wool, and a shawl was added around his neck. We took special care with Metra's beautiful long hair, combing it carefully, putting a hairnet around it and adding a wreath, which I wove and sewed together with linen and wool threads in the colors that she so loved, green, red and blue. She and the baby were buried in the outskirts of town where other Jews had been buried. Thereafter nothing was the same for us in Antinoopolis.

Father and mother decided to return to Alexandria, hoping that the hatred which had driven us out had abated and maybe even been forgotten. Mother drew a list of items necessary for the journey because, unlike the one up the Nile, we had more time to prepare for it. Her list included cushions, bedcovers, blankets, boots, slippers, mattress, a small rug,

²⁰ On Jewish workshops in Alexandria producing notable tapestries, Haas, *Alexandria*, 118. On textile production in Antinoopolis, see the articles in *Antinoe cent'anni dopo* (Exhibition catalogue Palazzo Medici Riccardi, Florence), ed. L. Del Francia-Barocas (Florence 1998), 145–232.

²¹ List based on the dowry items enumerated in the Antinoopolis *ketuba*. C. Sirat et al., *Le Ketouba de Cologne. Un contrat de mariage juif à Antinoopolis* (Opladen 1986). Cf. the items provided for another Egyptian bride by her mother, Aurelia Thais of Oxyrhynchus, P. Oxy. X 1273, 260 CE with Evans Grubbs, *Women and the Law in the Roman Empire*, 127–9. The items are listed by weight and value. Admittedly, Metra's dowry is meagre by comparison with that of Kroniaina of Tebtynis in the middle of the first century CE, who is equipped with valuable gold and silver jewelry and even a slave child of five, in addition to textiles, K. Dross-Krüpe, Y. Wagner, "Ancient Wardrobe Studies: The Wardrobe of Kroniaina from Tebtynis, AD 54," *Archaeological Textiles Review* 55 (2013), 39–45.

²² CPJ III 5–6 from Hermopolis refers to Neilammon as headman of the Jews (*kephalaioie ioudaion*), dated fifth or sixth century.

²³ Description of the baby's wrappings is based on Cf. C. Fluck, "Textiles from Antinopolis. Recent Finds from the so-called Peristyle Complex in the Northern Necropolis," in *Itinerari mediterranei fra IV e IX secolo. Città-capitale e Deserto-monastico*, ed. B. Astrua (Torino 2013) (<http://books.openedition.org/aaccademia/933>).

traveling capes, leather groundsheet, table linen and lamps, and sundry cooking utensils, many provided by the generosity of our neighbors in Antinoopolis.²⁴ These seemed sufficient for a very long voyage, as though mother sensed that our journey would not end in Alexandria.

No sooner had we reached the southern gate of our beloved city, we were met by a bunch of people wearing huge crosses who demanded to know who we were. They did not even allow us to enter the city of our ancestors. They told us that our synagogues had been converted to churches and that Alexandria is a Christian city with no room for heretics, Jews or pagans.²⁵ We got the message. We were unwelcome. Our deep roots in the soil meant nothing to those determined to uproot the city's non-Christian past, people and monuments alike.

Somehow we made our way to the harbor where, by the greatest good luck, father recognized the ship aboard which he had plied our great sea before settling with mother in Alexandria.²⁶ The captain, Amarantus, still the same pious Jew, rejoicing to see father, hired him on the spot and allowed us four on board.²⁷ We left the next day very early and headed westward with open sails in full speed, too fast really. Our fellow passengers, a motley crowd, became hysterical. Amarantus tried to calm them. He mocked their terror by saying that: "We shall obviously never be able to fly. How can I help people like you who distrust both the land and the sea?" To no avail. Chief among the complainers was a passenger who, like us, boarded in Alexandria. His name was Synesius, and he kept declaiming on board as though he was in the auditorium lecturing philosophy. He derided everything, from the crew, because they were mostly Jewish, to the stout partition which Amarantus erected between the areas allocated to male and female passengers to prevent lewdness.

With the Sabbath a huge sea storm arrived. Our fellow passengers, once again fearing drowning and goaded by the righteous philosopher, begged Amarantus to cease from reading the Torah and return to the helm.²⁸

²⁴ List based on P Ryl 627 with J. Matthews, *The Journey of Theophanes. Travel, Business and Daily Life in the Roman East* (New Haven 2006), 45.

²⁵ McKenzie, 247 on conversion of synagogues into churches orchestrated by Cyril.

²⁶ The following is based on Synesius Ep. 5, who provides a detailed and much embellished description of his journey by sea from Alexandria to Cyrene c. 400. On the precise date, J. Long, "Dating an Ill Fated Journey. Synesius Ep. 5," *TAPA* 122 (1992), 351–80.

²⁷ On Jewish and Samaritan ship owners in Egypt in the late fourth century, CTh 13.5.18 (390 CE; Linder, 1987, no. 19), which authorized exemption from compulsory public service of transporting grain to Constantinople.

²⁸ Long, "Dating," 353 note 3, on the skipper's true skills of navigation and the supercilious criticism of Synesius, who clearly knew nothing about naval matters.

Someone accused Amarantus of seeking death to avoid his creditors. At first, Amarantus refused to violate the Sabbath but then he relented and steadied the bark, stating that saving lives is more important than preserving the Sabbath. Our ship tossed and turned but we finally arrived at a small harbor that could only be reached by small boats. Once they realized our predicament, the locals proved very helpful. I must confess that I was relieved to feel solid terrain under my feet. Amarantus' ship was towed for repairs. A day after our unplanned landing other ships arrived from Alexandria. One was headed to Hispania, kindling in father a longing to return to his Spanish roots.

We ended our journey across the Mediterranean on the island of Minorca. Father had planned to reach the city of Girona, his home town, but we were informed that the entire eastern coast of Spain was run by barbarians.²⁹ There was no safe sailing beyond the Balearic Islands. As soon as we landed in the harbor of Magona (Mahón) the captain of our ship turned the sails back to the African shore. We stayed in Minorca. There were many Jewish families on the island, mostly living in the harbor town of Magona.³⁰ It was a small town, certainly by comparison with our beloved Alexandria, but mother was pleased. She could not imagine rebuilding her life far from the coast. Father was hired by Theodorus, the leader of the community, who owned properties on other islands. Theodorus' sister-in-law, the formidable lady Artemisia, hired both mother and me to look after their children.

At last it seemed that we had reached a place where we could strike roots and forget our recent tragedies, even though from the start we were warned of repeated attempts made by a bishop named Severus to convert Jews on the island. But Severus was a bishop of Jamona, a city on the other side of the island (now Ciudadela), and our people held fast to the religion of our ancestors, trusting in God and in Theodorus' status and connections. The Christian community in Magona (now Mahón) was small and their church, on the outskirts of town, was tiny. We did not realize that it housed relics which would spell doom for us.

²⁹ A fact that prevented Orosius from reaching Galicia in 417 (or late 416) and led to the unplanned deposition of Stephen's relics at a church in Mahón on the island of Minorca, V. Gauge, "Les routes d'Orose et les reliques d'Etienne," *Antiquité tardive* 6 (1998), 265–86.

³⁰ What follows is based on *Epistula Severi*, S. Bradbury, *Severus of Minorca. Letter on the Conversion of the Jews* (Oxford 1996). See also Sivan, "Between Gaza and Minorca. The Un/Making of Minorities in Late Antiquity," in *Jews, Christians and the Roman Empire*, ed. N. B. Dohrmann and A. Y. Reed (Philadelphia 2013), 128–36; R. S. Kraemer, "Jewish Women's Resistance to Christianity in the Early Fifth Century: The Account of Severus Bishop of Minorca," *J ECS* 17 (2009), 635–65.

On a cold February day, only a few weeks after our arrival at Magona, we woke up to an unaccustomed noise. Looking outside we saw a large crowd marching up our street, shouting that they were going to burn down our synagogue. We recognized many neighbors among them and guessed their leader to be the notorious Severus. It was no secret that a few days before this demonstration Severus challenged Theodorus and other dignitaries of our congregation to meet him for a debate at the local church on the Sabbath. They naturally refused his invitation. Sabbath should be spent in the synagogue and at home and not in a sanctuary belonging to gentiles. In retaliation, Severus spread rumors about weapons being hoarded in the synagogue. It was a complete lie but it gave him an opening to insist on going and checking for himself, followed by countless Christians from his and our cities.

Suddenly, fury kindled mother's indomitable spirit. She dragged me and little sister by the hand to our roof. Standing on it she planted curses on the heads of the marching women, many among whom we knew and liked. We could not understand what had come over them, but the sight of the marching rabble and the sound of their vicious cries brought back memories of our last days in Alexandria. They raised eyes to us which were full of hatred. Both sides started to engage in a match of stone throwing. No one was hurt. Soon the gentiles disappeared around the corner and suddenly there was a great deal of smoke. It came from the direction of our synagogue. We rushed there and found that our beautiful synagogue was on fire. Next to it stood Severus, holding aloft a box and a banner. He shouted but I could not understand his words because my Latin was minimal. Everyone was now rushing to the burning synagogue. Jews were trying to save the Torah scrolls, Christians to loot our silver vessels.

The rest seemed like a nightmarish repetition of the Alexandrian scenes. Three days after the burning of our synagogue our men convened to deliberate. As each man proposed a different solution, Severus and his gang appeared, shouting that Theodorus had a change of heart and converted. We were shocked. Then Theodorus himself appeared but was given no chance to explain. Mother and other women derided his cowardice. Many of our men took to flight, wishing to escape both Severus' smugness and the terrible sight of the humbled Theodorus. We felt abandoned. The island had no government officials besides Theodorus and there was no one to enforce the rule of law.

Father, mother, little sister and I joined Meletius and Innocentius and their families as they escaped to the rocky area above town. Meletius was Theodorus' brother and now thoroughly ashamed of his kinsman.

Innocentius, his wife and twin girls had come from the Spanish mainland. Like us, they reached Minorca as refugees, fleeing barbarian fury. As families regrouped and the elders were considering our situation, someone came running with the news that Theodorus, in fact, had not converted. It was a ruse concocted by Severus to force us into becoming Christians. The men, including father, decided to return to town. The women, including mother, preferred to stay outside town and to await further reassurances.

None came. We soon learnt that Severus converted the entire congregation through blandishments and threats. Much wailing followed. Most of the women decided to rejoin their husbands and fathers in town. Mother and Innocentius' wife hesitated. They already knew well what it meant to be refugees and were wary. Deliberating their next move, they spotted the entry of a big ship into the harbor. Each mother grabbed her daughters and ran to the ship. Mother did not have to explain her decision to us. Little sister cried but we told her that we will soon be reunited with father.

The ship was sailing to the other side of Our Sea. It was a long journey, which mother decided to end on the island of Crete, in a town on its northwestern coast called Kissamos (Kastelli Kissamou) where, she assured us, Sophia, her relative, would take care of us. We soon learnt that Sophia was well known in Kissamos. She opened her heart and her home to us. She listened to our story and shared hers. Her family hailed originally from Gortyn, capital of the Cretan province and a great city. After a shattering earthquake during the first year of emperor Valens (365 CE) the family moved from Gortyn to Kissamos, where they had properties. Sophia was then a mere child, younger than my little sister. They stayed at Kissamos, although the town was much harder hit by the same earthquake than Gortyn.³¹ Their estate near town was mercifully spared. By the time we arrived, in the sixteenth year of the emperor Theodosius (418 CE), Sophia had become the preeminent leader of the community, *presbytera* and head of the synagogue (*archisynagogissa*) in Kissamos.³² I could converse

³¹ M. I. Stefanakis, "Western Crete: From Captain Spratt to modern archeoseismology," in *Ancient Earthquakes*, ed. M. Sintubin (Boulder 2010), 67–80. The epicenter of the earthquake was near western Crete, estimated magnitude 8.3 (G. Pararas-Carayannis, "Earthquake and Tsunami of July 21, 365 AD in the Eastern Mediterranean Sea" (www.drgeorgepc.com/Tsunami365ADeEastMedSea.html)).

³² P. van der Horst, "Jews of Ancient Crete," *JJS* 39 (1988), 183–200; idem, *Saxa judaica loquuntur, Lessons from Early Jewish Inscriptions* (Leiden 2015), 137 (4th–5th century); *IJO* 1 Cre3.

once again in the language of my homeland and not only with my family.

Although we missed father, we soon settled down to a life of workable routine. Both mother and I worked as midwives. Little sister soon learned how to cook, clean, light candles on the Sabbath and set aside the correct quantity of food for the priests. I reached adulthood in Kissamos, nurtured by memories of Alexandria, Antinoopolis and Magona. With Sophia we visited Gortyn, the only major city not on the island's coast, which for me was a refreshing novelty. Gortyn is situated on the tributary of a river which divides it into two sections.³³ Both sides are at the foot of low hills with the westernmost hill bearing the city's beautiful acropolis and a theater on its slopes. South of the Odeion, a beautiful open-air theater where poetry competition still took place, I could see the ruins of the city's old center on top of which artisans established workshops where they produce and sell their wares, including pottery and glass. Sophia explained that the grand Praetorium, the headquarters of the provincial governor, had been severely damaged in the last earthquake but was fully restored on an even grander scale by the island's most famous governor, Asclepiodotus, whom Sophia praised as a cultured and capable man. She pointed out fifteen statues with long dedications which he had dedicated in honor of the great senators of Rome.³⁴ Gortyn is also full of beautiful public baths, as though the distance from the sea increases the desire to dip in water. Sophia pointed out the area of her previous home, a dense quarter which had been mostly destroyed. We watched several projects in progress along the main street.³⁵ We were informed that these will all become churches. I was visualizing their stones as actors waiting in the wings for their cue to appear. Mother and Sophia mentioned with sadness and resignation the recent imperial law which banned the building of new synagogues everywhere.³⁶

³³ Description based on J. W. Myers, E. E. Myers and G. Cadogan (eds.), *The Aerial Atlas of Ancient Crete* (Berkeley 1992) with magnificent photographs.

³⁴ Dedicated in 383 CE; for the most recent interpretation of this group, F. Bigi and I. Tantillo, "Gortyna," in *The Last Statues of Antiquity*, ed. R. R. R. Smith and B. Ward-Perkins (Oxford 2016), 216–30.

³⁵ In fact, the beginning of Christian construction endeavors in Gortyn is unclear since no remains have been dated prior to the fifth century, I. Baldini Lippolis and G. Vallarino, "Gotyn. From the City of the Gods to Christian City," in *Cities and Gods. Religious Space in Transition*, ed. T. Kaizer et al. (Leuven 2013), 103–20, noting the marginal presence of Christianity prior to the end of the fourth/early fifth century.

³⁶ CTh 16.10.4 (CE 423).

By now, two indication cycles had passed since we left Minorca. I reached adulthood on the island of Crete but refused to marry. Sophia supported my decision and helped to assuage mother's anger. We promised her that little sister, who just got engaged, would bear her many grandchildren. Once only we heard from father. The news was terrible. Every single Jew on the island of Minorca was forced to become Christian. Some continued to practice Jewishness in secret but greatly feared Severus, who threatened to take away their children if they were caught "betraying" their new faith. I could not understand why father did not leave Minorca.

Then Moses arrived. He had been going around the island, convincing many Jews that he had been sent by God, the very same God who long ago helped Moses to lead our people out of Egypt.³⁷ This new Moses said that he, too, could cleave the sea and lead us from Crete to the Promised Land. Mother and I were amazed by his success. We could not believe that in our troubled age God would send a new Moses who thus far had performed no miracles but only talked. We were, after all, Egyptian, and knew better than our fellow Jews of Crete that to cross from Egypt to the Land of Israel you may cross the Sea of Reeds but you also need to walk on the dry sands of the desert. Moses was persistent and a series of earth tremblings inspired many with fears of divine vengeance.³⁸ On the day he appointed for the mass departure curiosity drove us to follow him. We watched as countless families, parents, grandparents and children, reached the promontory that Moses singled out.³⁹ Then he told us to jump without fear. We did not obey. To our horror we saw countless around us doing just that, their bodies bashed against the rocks or drowning in the sea below. A few who plunged into deep water and knew how to swim managed to swim to the rocky shore. Several were collected by fishermen's boats. As we saw people flying we turned in

³⁷ The following is based on Socrates, HE 7.38, specifically alluding to the presence of children among those who followed the "messiah" to the fatal promontory. Unfortunately, the narrative lacks specific topographical indications and a precise date. It is usually dated to the 430s. Cf. HE 7.22 on a successful application of Moses' miracle of cleaving the sea in the context of an eastern military expedition to Ravenna to suppress usurpation in 425 CE and its wading through the marshes surrounding the city.

³⁸ On the "early Byzantine tectonic paroxysm" that wrecked Crete between the mid-fourth and mid-sixth centuries, P. A. Pirazzoli, J. Laborel and S. C. Stiros, "Earthquake Clustering in the Eastern Mediterranean during Historical Times," *Journal of Geophysical Research: Solid Earth* 101.B3 (online version: Mar 10, 1996).

³⁹ Cf. the dramatic setting of many late ancient churches right on a promontory, such as those on Limenas Chersonisou east of Herakleion with mosaics that suggest a late ancient, possibly fifth century, dating, www.ostia-antica.org/harbours/crete.htm. Perhaps "Moses" selected a promontory graced with a synagogue which could have been easily converted to a church.

horror and dismay to those behind us and shouted at them to stop their advance. Many obeyed, terrified at the tone of our shrieks. We kept pushing them back. In the chaos that followed, mother and I failed to notice that little sister, now a woman ripe for marriage, was no longer visible. We started to look for her among those standing very near the perilous rocks. She was nowhere.

A few days later a fisherman brought her lifeless body. She drowned, perhaps after falling off the promontory. She would have been too sensible to jump. Moses too disappeared but his body was never found. We were dumbfounded with sorrow, much too stricken even to respond to the local priest who came to console us, promising eternal life if we converted to his creed.⁴⁰

The Jews of Egypt at the Dawn of the Fifth Century: Dancing and Disorder

Our knowledge of the history of Egyptian Jews in late antiquity is extremely fragmentary, not to say contradictory.⁴¹ No synagogue has ever been unearthed or recognized as such in the course of the many archaeological excavations conducted in and around Alexandria.⁴² There are only a handful of papyri which can be associated with Jews in Egypt in general, none dated with precision. The glorious achievements of the Alexandrian community in the first century as recorded by Philo are of prime importance but their validity for later centuries cannot be substantiated. We can only state with certainty that the swift advent of Christianity in both Alexandria and Egypt as a whole made a substantial difference for Jews and Jewishness, but the evidence comes exclusively from hostile Christian sources.

The main narrative, short and tendentious, was produced by Socrates, an ecclesiastical historian residing in Constantinople in the middle of the

⁴⁰ Socrates HE 7.38 also reports the conversion of many Jews in the wake of the tragedy on the coast. No numbers or locations or names are provided.

⁴¹ T. Ilan, "The Jewish Community in Egypt before and after 117 CE in Light of Old and New Papyri," in *Jewish and Christian Communal Identities in the Roman World*, ed. Y. Furstenberg (Leiden 2016), 203–24, for recent assessment. R. L. Wilken, *Judaism and the Early Christian Mind: A Study of Cyril of Alexandria's Exegesis and Theology* (New Haven 1971), passim, for the background of Jewish-Christian relations. Unfortunately, the inscriptions associated with the Jewish community of Alexandria cannot be dated. A few have been assigned to "late Roman," D. Noy and W. Horbury, *Jewish Inscriptions of Graeco-Roman Egypt* (Cambridge 1992), nos. 15–16.

⁴² Recently summarized in J. McKenzie, *The Architecture of Alexandria and Egypt, 300 BC to 700* (New Haven 2007), passim.

fifth century (HE 7.13).⁴³ Socrates reports endless conflicts that disfigured communal and interpersonal relations in Alexandria, between Jews and Christians, Christians and pagans, the governor of Egypt (Orestes) and the bishop of the city (Cyril). According to him, the expulsion of the Jews of Alexandria in 414/15 was hardly an exceptional event in the tumultuous annals of the city. Rather, it was emblematic of the violence that characterized urban history. He further held the Jews responsible for their own grim fate, primarily, it seems, because of their enmity toward Christians and their violation of their own Sabbath by preferring to attend dance performances. Socrates himself was not opposed to traditional forms of public entertainment. He believed, however, that these should be tempered with public prayers, preferably in a church and not in the arena.⁴⁴

An unplanned addition to the customary rituals of dancing performances served as the trigger which ultimately led to the forcible exile of Alexandrian Jews from the city of their ancestors. These dances were evidently regularly attended by some Jews even on the Sabbath. Riots proved another permanent fixture of theatrical spectacles in Alexandria, many also serving to broadcast imperial edicts. What made one specific show unusual was neither the Jewish presence nor these regular edicts, but the attendance of a number of Cyril's close circle, seemingly keen on hearing firsthand the edict of the day. Once heard, the enthusiastic response of one among them, a certain Hierax, who loudly applauded the pronounced measures, kindled a far-reaching reaction.⁴⁵ Instead of gubernatorial approval Hierax was tortured.

Socrates did not explain what these measures were, other than stating that they were opposed by the Jews. It is implied, however, that the edict aspired to quell riots which broke out regularly at such spectacles. As events spilled out of the theatrical arena into the streets, Cyril himself emerged as their chief protagonist, ostensibly the avenger of Hierax's public

⁴³ S. Wessel, *Cyril of Alexandria and the Nestorian Controversy: The Making of a Saint and a Heretic* (Oxford 2004), 33–45, views the expulsion of Jews from Alexandria in 414/15 CE as an aspect of Cyril's rise to power, which consisted of waging wars against the Prefect and against Christians who supported Orestes, and of verbal tirades against Jews and Jewishness already evident in his first Festal Letter. See also, O. Irshai, "Christian Historiographers' Reactions on Jewish-Christian Violence in Fifth Century Alexandria," in *Jews, Christians and the Roman Empire. The Poetics of Power in Late Antiquity*, ed. N. B. Dohrmann and A. Y. Reed (Philadelphia 2013), 137–53.

⁴⁴ HE 7.23 on Theodosius II presence at the hippodrome, stopped in order to lead the crowd to a church service.

⁴⁵ Hierax is described by Socrates as a lector, the very office which Cyril himself held under the tutelage of his uncle, Theophanes.

humiliation.⁴⁶ His orchestration of the expulsion of Jews puzzled later commentators, like John of Nikiu, who accused Hypatia of fomenting dissension between Jews and Christians by means of magic!⁴⁷

Instead of facing up to the governor, Cyril summoned and threatened unnamed Jewish leaders, likely the *archisynagogoi*, who were not even present at the theater when Cyril's henchman was tortured.⁴⁸ The bishop ordered them to stop molesting Christians. Upon whose authority Cyril acted barely two years after his elevation to the episcopate is not disclosed, or why he refrained from directly accusing Orestes for ordering Hierax's torture. Contrary to Cyril's threat, a group of Jews who remained anonymous responded not with compliance but with a counterplot. One night they raised the alarm by claiming that a church was on fire. While Christians were running to save their church, the plotters attacked them, not without taking precautions to identify each other in the darkness. Whether invented or accurately reported, Socrates' attention to detail is misleading and clearly framed to paint the Jews in dark and somber hues. No timeframe is provided either for the planning or the execution of this Jewish "plot" or the number of Christian casualties, but Socrates holds these nightly events directly responsible for Cyril's extreme reaction.

The only timetable that Socrates provides covers Cyril's actions. Promptly on the morning following the nightly attack on Christians, the bishop marched in front of huge crowds, setting out to "conquer" the city's synagogues, to expel the city's Jews and to loot Jewish property. The magnitude of the disaster is fully comprehended by Socrates, who alludes both to the fact that the history of the Jews in Alexandria goes back to Alexander the Great and that only a single Jew, a physician named Adamantius, managed to escape the destruction and carnage. Adamantius, a medical man, reached Constantinople where he converted, possibly met Socrates and subsequently returned to Alexandria.

Whatever Cyril's motives would have been in this instance, his episcopate and his theology spelt doom for Alexandrian Jewry. We have no idea how many Jews left and how many stayed, or where the exiles went. What seems clear is that Cyril failed to convert the Jews of his city, a failure soon

⁴⁶ Possibly to settle scores with the Jews who may have been supporters of Timothy, Cyril's rival in the episcopal elections of 412 CE, Haas, *Alexandria*, 298–301.

⁴⁷ Chronicle 84.

⁴⁸ Haas, *Alexandria*, 111, on these figures as the leaders of the Alexandrian Jewish community in late antiquity with a commendable caveat. No synagogue, however, has been archaeologically attested thus far; *ibid.*, 299f. on Cyril's early anti-Jewish tirades of 413 CE. *Ibid.*, 121–7 on the early fifth century expulsion and its background.

resulting in the excessively brutal reaction to the two incidents narrated, Hierax's humiliation in the theater and the nightly attack on Christians. Years later, in a treatise dedicated to the emperor Theodosius II, Cyril extolled Peter as the one who urged the Jews to repent and to be baptized, as though there was no other form of Jewish existence besides conversion and baptism.⁴⁹

Strikingly, the main Jewish document of the early fifth century, peripherally related to Alexandria, speaks of ceremony and solid tradition. It is a marriage contract (*ketubah*), composed in the year 417, to mark the nuptials of Metra of Alexandria with Samuel of Antinoopolis.⁵⁰ These were moments of solemnity and jubilation, a far cry from the ever-seething Cyril's Alexandria and Socrates' Constantinople.

Written in Aramaic/Hebrew lettering, the document was composed in Galilean Aramaic. Pain was taken to date it according to two dating formulae: consular years (in transliterated Greek) and sabbatical cycles (in Aramaic).⁵¹ The bride is twice defined as a "virgin," or, rather, as "unmarried" (*betula*), who is being betrothed according to the "law" or custom (*nomos*) of (daughters of?) Israel, an expression which appears twice and which has no exact parallel in the *ketubot* preserved in the Judean desert.⁵² The contract lists, unexceptionally, provided by her mother, the assets which the bride brought to the marriage. One curious omission relates to future children. There is no maintenance clause requiring paternal provisions for daughters and sons born in this lawful wedlock, familiar from Judean and rabbinic marriage contracts.⁵³

More than any other surviving material, texts, artefacts, art or architecture, the Antinoopolis marriage contract reflects patterns of lifecycle normalcy which are altogether absent from the life course of Jews in early fifth-century Alexandria. The *ketubah*'s survival undergirds the vagaries of Jewish history which I illustrate in the narrative in this chapter. We do not know what happened to Metra's Alexandrian family. By picking up the severed Egyptian threads on the other side of the Mediterranean, my

⁴⁹ On Orthodoxy to Theodosius, 37, in D. King, *St. Cyril of Alexandria. Three Christological Treatises* (Washington 2014), 73.

⁵⁰ J. Lieu; S. R. Llewelyn, *New Documents Illustrating Early Christianity* 9 (2002), 82–98 for original Aramaic and Greco-Aramaic text, translation and discussion including survey of surviving *ketubot*. C. Sirat et al., *Le Ketouba de Cologne. Un contrat de mariage juif à Antinoopolis* (Opladen 1986).

⁵¹ The same cycle which Palestinian Jews kept. On Palestinian influences on date and language, Stern, *Calendar and Community*, 137–9, discounting, however, rabbinic influence.

⁵² The expression "according to the law/custom of the daughters of Israel" is reconstructed. There is no trace of "the daughters" in the surviving portions of the *ketuba* itself.

⁵³ Chapters 2 and 4.

narrative tallies with the constant cross-Mediterranean movements reflected in Jewish inscriptions of antiquity.⁵⁴ It is more than likely that many Alexandrian Jews left Egypt by sea c. 415, as Adamantius did by sailing to Constantinople. We may speculate that a few headed all the way to Minorca, thus augmenting the already substantial Jewish community in Magona. We certainly know of the presence of Jewish-Spanish refugees on the island in 417/18.

The presence of children either during the horrific events in Alexandria or at the wedding in Antinoopolis is not recorded. This is, of course, not atypical of the silence that habitually envelopes children in the sources. It seems, however, unlikely that children escaped the Alexandrian plight or that they were banned from attending nuptial festivities. When children are mentioned, the reference seems pointed, as the narratives of Synesius and of Severus suggest.

Synesius, Severus and the Jews of Minorca

Around 400 CE, Synesius, after a stint at the imperial court and a longer one at the school presided over by Hypatia in Alexandria, sailed back home to Cyrene, a short journey from Alexandria that prompted a long letter full of complaints.⁵⁵ The most interesting aspect of this otherwise ordinary journey along the Roman-African coast was the presence of a Jewish crew and captain aboard the ship. This, too, may not have constituted a startling novelty but for the fact that the sea was rough and the captain an observant Jew who insisted on maintaining the Sabbath's rule of ceasing from daily toils. In hindsight of over 1600 years, Synesius' letter to his brother, an artful literary composition, also serves as a complement to the patently anti-Jewish atmosphere which had descended on Alexandria with the advent of Christianity in the fourth century.

Synesius noted that among the fifty or so passengers aboard the ship, one-third were female, mostly young and pretty. Neither their age nor their names were disclosed other than to note with indignation the captain's

⁵⁴ D. Noy, "Jews in the Western Roman Empire in Late Antiquity: Migration, Integration, Separation," *Veleia* 30 (2013), 167–75; idem, "Immigrant and Jewish Families at Rome in the 2nd–5th Centuries," in *Les frontières du profane dans l'Antiquité tardive*, ed. E. Rebillard and C. Sotinel (Rome 2010), 197–209 on difficulties reconstructing Diaspora communities even in a relatively well-documented location like Rome.

⁵⁵ A. Cameron, J. Long and L. Sherry, *Barbarian and Politics at the Court of Arcadius* (Berkeley 1993), 13–70 for Synesian chronology. P. Janni, *Sinesio, La mia fortunosa navigazione da Alessandria a Cirene* (Florence 2003), for detailed commentary on the letter, the longest of Synesius' correspondence also espousing its historical core.

shrewd move of separating the sexes through a stout screen. Children further feature in the journey's narrative to illustrate native-African generosity and customs. These, together with adults, brought food to Synesius' fellow passengers when the ship was stranded somewhere on the African coast. He was particularly struck by the local custom of breast feeding, with babies hanging on their mothers' shoulders and imbibing milk from above rather than being held in maternal arms underneath the breast. The inordinate charms of a young slave maid from Pontus were also recorded. She became the toast of the coast when the ship anchored but what ultimately happened to her did not interest Synesius.

Beyond Sabbath observers and pretty slave maids, Synesius paid no attention to his fellow passengers who, most likely, numbered children. We do not know whether there were migrants or refugees or merchants aboard. The dangers described were all natural and not manmade and lurked practically every time a ship left the harbor. In the early fifth century the presence of barbarians augmented the risks of traveling, as Orosius found out when he crossed the Mediterranean from Palestine to Spain only to be briefly stuck on the island of Minorca. Even setting out to sea from the harbor involved dangers, as Synesius recorded and as the lone Jewish woman who escaped Severus' relentless campaign of conversion found out when the ship she boarded had to return to the safety of the harbor after it had started for the open sea.

There is an uncanny echo of Cyril's campaigns against the Jews of Alexandria in Severus' actions on Minorca. Beyond theological-doctrinal language, both bishops aimed at a radical alteration of the landscape by rooting out groups perceived as inimical to their vision of Christian unity. Cyril elected to get rid of his "enemy" altogether; Severus sought to preserve the "enemy" in a drastically different garb. The symbols of episcopal triumph, a vacated space (Alexandria's Jewish homes and sanctuaries) and a vacated creed (Minorcan Jewishness), became components of the bishop's claim to divinely conferred authority, which, in turn, justified such actions. By inventing a new etymology, Cyril and Severus suppressed the tension between conflicting claims of origins, Jewish and Christian.

The main outline of the events in the town of Magona in the early fifth century, as related in Severus' own words in a document aspiring to serve as an ecumenical guide on how to convert Jews, has been rehearsed quite often in modern scholarship.⁵⁶ To make a long story short, the narrative is

⁵⁶ Sivan, "Between Gaza and Minorca. The (Un)Making of Minorities in Late Antiquity," in *Jews, Christians and the Roman Empire* (Philadelphia 2013).

launched with the sudden arrival to Magona of the relics of St. Stephen from Palestine and deposited by Orosius, who was in a rush to leave. The relics soon disappear from the story. In their stead appears Severus, bishop of a town on the other side of the island, a locality allegedly without a single Jew. In this boast already lies the gist of what follows.

No sooner does Severus arrive at Magona than he challenges Jewish leaders to a verbal duel in a church. Upon refusal he accuses them of hiding weapons in their synagogue and promptly proceeds to verify his own lie. In the course of “search and (not) find” the synagogue is destroyed, albeit apparently not looted, and the preeminent citizen of the island, Theodorus, who happened to be Jewish, is allegedly converted. The lie disheartens many. It is, however, Reuben and not Theodorus who bears the dubious distinction of being first to convert. Others follow and Theodorus ultimately capitulates.

Severus’ converting initiative could not have been better timed. The presence of refugees who had already experienced a traumatic dislocation due to barbarian invasion was likely to weaken resistance. Escape by sea may have been theoretically possible but Severus timed his eight-day campaign to the least navigable season. Ships anchoring at Magona would have been rare. Moreover, Honorius’ government had its hands full with attempts to dislodge barbarians from its barely held territories in Gaul and Spain.⁵⁷ The last Roman soldier had just been evacuated from Britannia.

Of the 540 Jews of Magona, the last to convert were women. Of these, the very last, fortunately for Severus, was a widow who thus provided him with an admirable parallel to the Christian widow who had first projected the successful completion of his conversion campaign. Even more convenient was the endowment of this widow with two children, the only time that specific children appear in the narrative. It can be stated unequivocally that the Jewish community of Magona no doubt numbered many children. None, with the exception of the two belonging to the widow, interested Severus. These two children were, in fact, recent arrivals to the island. Moreover, the conversion of a widow, a scene that included public submission and humiliation, likely involved her children as well. One can conjure the picture of a much-tried woman, a refugee from Spain, who did her valiant best to escape yet again only to be swept to the shore of a hostile town. The “taming” of the resistant widow and her children, a fit ending to

⁵⁷ R. W. Mathisen and H. Sivan, “Forging a New Identity: The Kingdom of Toulouse and the Frontiers of Visigothic Aquitania,” in *The Visigoths. Studies in Culture and Society*, ed. A. Ferreiro (Leiden 1999), 1–62.

Severus' war on the Minorcan Jews, was intended to invoke the poignant conclusion of the biblical book of Ezra, where a bitter campaign against "mixed" marriages of Jewish men with "foreign" women concluded with the expulsion of the "foreigners," wives and children alike.⁵⁸ Ezra's ideology required the purging of children of mixed marriages from the "pure" community of Babylonian exiles; Severus' dogmatism dogged to conversion all remaining opposition. Notwithstanding Severus' perniciousness, I took the liberty of allowing one woman and her two girls to escape Severus and Minora.⁵⁹

Crete: Deceit and Despair

To judge by a recent survey, the fifth century may be considered a black hole in the history of the island.⁶⁰ For the first half of the fifth century we have the list of attendance at the 431 council of Ephesus, which included four Cretan bishops, from Gortyn, Chersonesus, Lappa and Cnossus.⁶¹ A handful of inscriptions identified as Jewish, including the one commemorating the intriguing Sophia of Gortyn who died in Kissamos, provide tantalizing albeit limited insights into the otherwise exceedingly meagre information about the island.⁶² Yet, a singular episode in the life of the Jews of Crete, recounted by the ecclesiastical historian Socrates, invokes echoes of the vagaries of Jewish life in great urban centers like Alexandria

⁵⁸ Sivan-Zlotnick, "The Silent Women of Yehud," *JJS*.

⁵⁹ The subsequent fate of the Minorcan Jews is unknown. No trace of a synagogue has ever been unearthed. The churches found on the Balearic Islands have been generally dated to the sixth century. Several feature mosaics which evidently show visual affinities with Palestinian and Diaspora synagogue mosaics. For a recent survey of these churches, including Mahón's Fornàs de Torrelló and Illeta del Rey, the former in town and the latter near the harbor, M. Utrero Agudo, *Iglesias tardoantiguas y altomedievales en la península ibérica: análisis arqueológico y sistemas de abovedamientos* (Madrid 2006), 479–86. The most fascinating case is, perhaps, that of the lost mosaic of the church of Cas Frares on Mallorca, which featured, in addition to Adam and Eve and Noah's ark, also a rare Genesis scene, the selling of the child Joseph by his brothers to the Midianites. The images can be seen vis <http://fabian.balearweb.net/post/123490> and <http://fabian.balearweb.net/post/123504>. On the Balearics in Late Antiquity, J. V. Sánchez, *La presencia bizantina en Hispania, siglos VI–VII: la documentación arqueológica* (Murcia 2009), 274–466–480; 520–7 (mosaics).

⁶⁰ R. J. Sweetman, *The Mosaics of Roman Crete: Art, Archaeology and Social Change* (Cambridge 2013), argues for strong visual impact of Christianization on Cretan mosaics, but dates are rare and none can be securely assigned to the early fifth century. The basic survey remains I. F. Sanders, *Roman Crete. An Archaeological Survey and Gazetteer of Late Hellenistic, Roman and Early Byzantine Crete* (Warminster 1982), highlighting issues raised mostly by the 365 earthquake, such as the abandonment of Knossos for Herakleion, c. 400, and the construction of churches and the presence of many villas.

⁶¹ R. Price, "Politics and Bishops' list at the First Council of Ephesus," *Annuaire Historiae Conciliorum* 44 (2012), 395–420.

⁶² van der Horst, "Jews of Ancient Crete," 19, opting for an authentic kernel of Socrates' narrative.

and on remote islands like Minorca. Hence, my decision to link these Mediterranean ports and islands through Rachelis' narrative.

Correspondingly little is known of Kis(s)amos, the town where Sophia served as leader of the synagogue and where she died. According to excavation reports, Kisamos boasted a theater, amphitheater, an otherwise unidentified large civic building with a court, an agora, a bathhouse, an aqueduct, industrial and domestic areas, and a dislocation of habitat following the 365 earthquake.⁶³ Kisamos mosaics included several "late antique" samples in funerary, ecclesiastical and domestic contexts.⁶⁴ The city's heyday belonged to the third century, when it was clad with an array of colorful mosaics.⁶⁵ We do not know why and when Sophia, who hailed from Gortyn, settled in Kisamos. Her commemorative inscription is probably late ancient, which is the reason why I connected her with Rachelis' family and both with the fateful story of Moses the messiah.

Like the tragedy of the Jews of Magona, the disaster that befell the Jews of Crete was reported, albeit in an exceedingly brief form, by a Christian, primarily in order to illustrate Jewish self-induced follies which led to the inevitable "illumination" of conversion to Christianity.⁶⁶ One day a man called Moses appeared on the island. He traveled from city to city and convinced many Jews that he was to lead them to the Promised Land. On the appointed day for the march through the cleaved sea, Moses' followers convened on a promontory. Urged to take a plunge, many drowned or were smashed against the rocks below. Some were saved by Christian fishermen. Moses himself disappeared. Many Jews on the island converted to Christianity. The Cretan episode is wedged between the "conversion" of Thrace due to the miraculous saving of a ship, effected by bishop Silvanus of Philippopolis (HE 7.37), and the equally miraculous preservation, amid general conflagration, of a church in Constantinople by the Novatian bishop Paul (HE 7.39). It seems hardly a coincidence that the only miracle proposed by Moses of Crete, cleaving the sea to return to the Promised Land, turned out to be a complete disaster.

Socrates claimed that there were many Jews on the island of Crete but provides neither locations nor statistics other than indicating that they were predominantly urbanites. The "Moses" he described seems not so much a latter-day incarnation of the biblical leader as of Jesus. Moses' preaching throughout Crete encouraged many Jews to give up everything they owned in anticipation of following him to the Land of Israel.

⁶³ Sweetman, 98–9. ⁶⁴ *Ibid.*, 85, 270–1. ⁶⁵ *Ibid.*, 84.

⁶⁶ M. Schuol, "Die Taufe der Juden auf Kreta (Sokr. 7, 38)," *Historia* 60 (2011), 219–54.

According to Socrates, entire families appeared on the day which Moses designated for the new "Exodus," specifically referring to wives and children. This detail was designed to heighten the delusion of Moses' followers, perhaps even to illustrate the despair of destitution. Bitter realization induced self-recrimination. Moses was no longer a human but a malignant spirit capable not of salvation but of driving the gullible to death. The fate of the Jews who did not convert remains unclear.

Like routine weddings in Egyptian Antinoopolis which took place amid contemporary disasters befalling Jews elsewhere in Egypt, Sophia's curt epigraphic career points to practices and representations perceived as "foreign" and opposed to the new Christian ideology of the cityscape. Alexandria, Minorca and Crete illustrate how policies articulated in remote imperial courts and in local episcopal circles conspired to dispossess the empire's Jewish citizens of their properties, sanctuaries, faith and life. The story of Rachelis does not represent an imaginative embroidery of growing up Jewish in the shade of aggressive Christianity. Rather, by stringing together a child's autobiography with reported contemporary tragedies I trace the lineaments of a story that became all too familiar in the course of the Middle Ages.

CONCLUSION

The Invention of Rabbinic Childhood

In their dress and deportment of body they (i.e. the Essenes) are like [children] under rigorous discipline (or: children being educated through fear). They do not change their garments or shoes until they are torn to shreds or worn threadbare with age. (Josephus, *The Jewish War*, 2.126)

The foray outlined in the quotation above into the world of ascetic fashion has emphatically used children to drive home the unquestioning adherence of a sect (the Essenes) to a strict code of dressing.¹ Josephus' metaphor implies that the main attribute of a child's identity is fearful submission to discipline. He characterized his own childhood as a period of dazzling learning precocity.² Even in adolescence, between the ages of 16 and 19, Josephus continued to seek self-enlightenment by attaching himself to three "schools," Pharisees, Sadducees and Essenes.³ Both stages proved a rehearsal ensuring a smooth transition to an adulthood lined with distinctions.

This temporal-educational frame produces, according to Josephus, manly qualities. He prides himself on preserving every woman's honor, on scorning gifts, on rejecting tithes due to his priestly status and on sparing his worst (Jewish) enemies.⁴ That male righteousness and discipline are intimately linked to an infinite chain of breeding Jews is clear from Josephus' interpretation of the biblical periscope on the rebellious son (Deut 21:18). He proposes prevention of "rebellion" by inculcating sexual morality in children, as though sinful thinking invariably leads to generational gap and thence to unacceptable modes of behavior. Procreation

¹ On this passage, a component of Josephus' famed description of the Essenes, S. Mason, *Judean War* 2. *Translation and Commentary* (Leiden 2008), 104.

² G. Misch, *A History of Autobiography in Antiquity*, I, 324.

³ A "peculiarly Jewish" component of autobiography, although the very notion of searching for the right way of life through philosophical discipleship was Hellenistic rather than Jewish, Misch 325.

⁴ Vita 80–3.

must be understood as an act calculated to ensure future provisions for parents.⁵ In other words, copulation, insists Josephus, is not sex but a bridge between birth and the anticipated fulfillment of the Commandment to honor parents.

Nameless and ageless, children feature in Josephus' writings as indistinct from females, an integral component of the "women and children" category, and a useful linguistic category illuminating the horrors of war. During the war against Rome (66–74 CE), when Titus realized the ruse conceived by John of Gischala to smuggle his supporters and their families away from the besieged town of Gischala, he vented his avenging fury by enslaving 3000 "women and children."⁶ In the ruthless massacre which followed the fall of Jotapata only women and small children were spared in order to dispatch them to slave markets. To drive home the horrors of the siege of Jerusalem, Josephus describes how the city's roofs were crowded with famished mothers and babies, how children with stomachs swelled with hunger roamed through the city's markets only to collapse everywhere and how the silence of doom and death enveloped the city.⁷

Anonymity also surrounds Josephus' own children.⁸ He fails to name two of the three children born in the course of his first marriage who probably died in infancy. The surviving third was named Hyrcanus; his two other children, born during his second marriage, were also named, although we know nothing about their upbringing besides the fact that they grew up in Rome.⁹ Josephus' distinct disinterest in both children and in childhood should not come as a surprise. Following a single reference to children at the end of the book of Ezra (c. 450 BCE) silence had descended on children. Perhaps the ominous last verse of Ezra contributed to their marginality. In the war over the purity of the covenant community which Ezra and Nehemiah reconstructed, children, faceless and nameless, became a symbol of impurity. They represented the contamination accrued to marriage between "Jewish" men and "foreign" women.¹⁰

⁵ Ant. 4.260; C. Apion 2.199; E. Bons, "Marriage and Family in Flavius Josephus's *Contra Apionem* (II.199–206) against its Hellenistic Background," in *Family and Kinship in the Deuterocanonical and Cognate Literature*, ed. Angelo Passaro (Berlin 2013), 455–66, who maintains that the link between sex and procreation is designed to highlight Josephus' objection to abortion.

⁶ War 4.115–16. ⁷ War 5.513–15.

⁸ Josephus summarizes his domestic life in his autobiography, Vita 74 (414f. Mason). For discussion, S. Mason, *Flavius Josephus. Life of Josephus. Translation and Commentary* (Leiden 2001), 9–10 and 164ff. Josephus refers to a marriage with a captive virgin, then to marriage with another unnamed woman in Alexandria who bore him three children; then followed a third wedding with a Judean of Cretan origins who bore him two children. None of the wives are named nor given an age at marriage, with the exception of the first who is characterized, deliberately, as a virgin.

⁹ Vita, 76. ¹⁰ Sivan (Zlotnick), "The Silent Women of Yehud," *JJS*.

Ironically, the acknowledgment of children, indeed the invention of the category of minority/childhood in rabbinic literature, seems to have stemmed from the same motivation that moved Ezra to demand the removal of children of mixed marriages. Between servicing rabbinic networks and the necessary submission to Roman law, the act of weaving myths into a newly manufactured fabric of Jewishness dictated the inclusion, rather than the exclusion, of children. Childhood had to fit into the visions of a community abiding by rabbinic ideas. Hence the need to lump children into a single legal category of minority and to stipulate the desirable stages of ritual, sexual, mental and physical maturation. Perhaps, as Aberbach proposed, childhood became an idealized conjecture because children were deemed vital for the very survival of Jewishness.¹¹

Whatever glimpses of “everyday life” are discernible in rabbinic compilations of late antiquity, these never amount to descriptions of a full, continuous routine, either on weekdays or on the Sabbath of either adults or children.¹² Nor are there school texts that show how Jewish children acted out situations that imitated Jewish social structures. We can only guess how schools were used as an arena for rehearsing the experiences in real life, inclusive of status, sexuality, conflict and violence.¹³

To what extent, then, did rabbinic writings reflect realities in general, and of children’s lives in particular, remains an open-ended question.¹⁴ The redaction of rabbinic discussions, disagreements and sayings was calculated to produce intellectual genealogies that worked vertically and horizontally to connect teachers with disciples, teachers with teachers, disciples with disciples. The deployment of children in this ideological arsenal ultimately constituted a type that could be discussed in gnomic phrases only: children are there because in any discourse about origins there is limited room for the “other,” be they children, women or gentiles.

¹¹ Aberbach, *Jewish Education*, 128.

¹² Cf. K. Hopkins, “Everyday Life for the Roman Schoolboy,” *History Today* 43 (October 1993), 25–30; E. Dickey, *Hermeneumata*. I am aware that by using the year 300 (*grosso modo*) I am limited, theoretically, to the Mishnah and Tosefta and a handful of Midrashim. Clearly, however, sayings attributed to early amoraim, primarily in the Palestinian and Babylonian Talmuds, are likewise relevant, assuming that the attribution had an authentic core.

¹³ M. Hirshman, *The Stabilization of Rabbinic Culture, 100 C.E.–350 C.E.: Texts on Education and their Late Antique Context* (Oxford 2009), 49–64 for Talmudic primer on education, most likely limited to disciples of the sages.

¹⁴ On these questions see *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. C. E. Fonrobert and M. S. Jaffee (Cambridge 2007), passim; and the articles gathered in *Judaism in Late Antiquity* 3.1 (1999), 123–232 in a section entitled: “The debate about Talmudic history.” See also Preface.

Even as age thirteen gradually emerged to signify the formal ending of childhood, various criteria continued to be used to determine physical, mental and sexual maturity, each entailing different parameters of evaluating a child's ability to fulfill the commandments of the Torah. Recommendations hinged on which types of religious obligations were viable within the scope of children's physical and/or mental and/or procreative capacities.¹⁵ Infancy was individual, defined as the period during which a child was dependent on its mother, and therefore exempt from these obligations (T Hag 1.2). Dependency was defined as the period during which mothers had to clean after their sons (and presumably daughters), and the age at which a child upon awakening would have cried out instantly to its mother (BT Sukk 28b).

Full participation in the Feast of the Tabernacles (*sukkot*), for example, was mandated as soon as a child (male) was able, on his own, to sit in the booth (*sukkah*) during the week of festivity, and to shake a palm branch (*lulav*) during the liturgy of the same feast (T Hag 1.2). Children as young as three were deemed capable of assuming this type of liturgical obligation which made them active agents in domestic rites, as well as in the initiation process into the customs that were a gateway to Jewish adulthood. Fathers were entrusted with purchasing a *lulav* for their sons, with teaching them the *Shema* prayer as soon as they were able to speak, and with gauging their child's ability to take care of its phylacteries (T Hag 1.2; BT Sukk 42a).

Small children were entrusted with economic transactions involving movable property if they possessed *daat*, a term equated with discernment measured as a child's ability to differentiate between a stone (an inanimate useless object) and a nut (an edible item).¹⁶ The validity of the deal depended entirely on the child's ability to understand the value of the items traded, regardless of his age.

In matters relating to personal law, such as betrothal, divorce and levirate marriage, rabbinic opinion fixed puberty or sexual maturity as the measuring rod of childhood. The sprouting of two pubic hairs served as the threshold of leaving childhood behind (M Nid 6.12; 5.8). Since such signs differed from one child to another, a more precise and possibly universal age-frame had to be devised (T Nid 6.2), hence the late ancient attempt to use biological age (12 for girls; 13 for boys) as the bridge to adulthood.

¹⁵ Moscovitz, "Legal Capacity of Minors in Rabbinic Law," *Jewish Law Annual* 17 (2007), 63–126.

¹⁶ PT Eruv 7.6; Cf. PT MS 4.3; PT Git 5.9; BT Git 64b–65a. Abrams, *Judaism and Disability*, 130–9.

Intimately linked with rabbinic observations on child development was an effort to outline an educational program for children, an endeavor that further entailed reflections on the nature and scope of parental responsibilities vis-à-vis children. A celebrated passage from the Mishnah (M Avot 5.21), probably inserted centuries after the text's initial reduction, asserts that at five a child ought to learn the Torah, at ten the Mishnah and at thirteen he is to assume all Torah obligations. A similar Talmudic scheme prefers age six for learning Torah, ten for the Mishnah and thirteen as the age when a boy is expected to fast for a full 24 hours with all of Israel (BT Ket 50a). A rabbinic wrangling over definitions of a minor (*katan*) and a major (*gadol*), a tradition handed down in the name of Rabbi Yochanan of Tiberias, defined "childhood" in terms of dependence on paternal maintenance.¹⁷

Efforts to inculcate Jewishness accompanied the integration of boys into domestic and public spaces. Boys deemed minor (*ketanim*) could, and probably were encouraged to, read the Megilla (scroll of Esther) on Purim in front of adults, to say the prayer over food (at home) and even to blow a horn (in the synagogue).¹⁸ Whereas the period of minority, in itself, had no clearly defined edges, the rabbinic model of acculturation was based on individual rather than collective mindfulness.

Rabbinic constructs of childhood and of the experiences of children consequently intersected with rabbinic discourses that had little to do with either children or childhood. Because the spaces discussed were populated by men, as well as by women and children, the reality of reproduction could not be denied. The childhoods that emerge from rabbinic literature were hardly a utopian cocoon to cultivate the rabbis' own kith and kin. As I have maintained throughout, the regulations provided and the variety of the experiences recounted undergird a rabbinically oriented upbringing. Rules and recommendations were geared to lessen the tension between the actual behavior of children and what was expected of them.

Because narratives and values of childhood in antiquity were a site of memory rather than an accurate reflection of what life was like for a girl or a boy, rabbinic ideals and ideas shared a universal desire to mold children according to specific ideals of manhood and womanhood. What makes the rabbinic invention of minority unique in the pre-Christian Roman Empire

¹⁷ BT BM 12b; PT Peah 4.6 for a slightly different take on the same point, linking paternal right to anything found by their children with their dependence on his maintenance.

¹⁸ M Meg. 2.4, however, objects to children reading the Megillah, as does T Meg 2.8, resulting in moving the scene of reading to the synagogue, where minors read along with adults, S. S. Miller, *Sages and Commoners* (2006), 284, note 218.

is the interjection of multiple divides which set Jewish children, future sages and all others apart from each other, and Jewish children from gentile children. In the Roman-Christian empire, Christianity added a third divide. Children thus represented a minority within a minority. For rabbinic sages childhood was a phase that they elected to skip. For the Roman government and the Christian church Judaism, a minority creed, was to be marginalized.

How were children raised as Jews in an environment controlled and modulated by non-Jews? This is the question that diverted rabbinic attention to children. This is the reason why rabbis issued rules of how children ought to function at home, at work, at school and in the synagogue. These were rules that guided the physical, sexual, mental and ritual maturity of Jewish children, whom the rabbis aspired to view as their flock, not as members of intimate rabbinic circles but of outer circles of Jews willing to abide by rabbinic rules.

Theorizing the Jewish child highlights the distinction of rabbinic schemes which, unlike conventional lifecycles of antiquity, set a premium on the intimate links between childhood (of males) and texts but also contrasted a textually oriented childhood with a non-textual one of the Jewish "pebs." Reviewing the vagaries of childhood shows how rabbinic rules laid the ground for separation, internal and external, of females from males and of Jews from gentiles. At home, at school, in the streets and alleys of urban spaces, in spaces where children labored, during Sabbath and festivals, a male child was bonded to the Torah, its rules and their interpretation.

There are no references to Jewish boys playing with gentile children or sharing a school bench with them. Nor are there allusions to an intermingling among girls. Genesis 34, the story of Dinah, Jacob's daughter, clarified the fate of such an association. Had Dinah not associated with "local" girls, she would not have been spotted by Schechem. Had Schechem not seen her, he would not have conceived an overpowering passion which resulted in violating her body and offending the rules of hospitality. His marriage proposal added fuel to the series of transgressions which the story unfolds.¹⁹

Examining the spaces of childhood through the lens of rabbinic rules and other evidence, it is apparent that rules regarding education, labor and the place of children in family and society were universally geared to disseminate a culture of a religiously based community. Herein lies another

¹⁹ Sivan, *Dinah's Daughters*.

original aspect of the rabbinic contribution to the articulation of childhood in a framework of citizenship based on shared religious (ritual, liturgical) rather than civic or military values.

Dividing males from females and boys from girls, in addition to other divides, expressed fears of sexual confusion by defining a male "citizen" according to notions of male behavior which remained impermeable to anything feminine. Hence also, two chapters on the upbringing of "boys" rather than "sons," and on "daughters" rather than "girls." Already at birth, Jewish marriage contracts introduced a discriminating factor to differentiate the sexes. Inheritance rights of future sons and maintenance rights of future daughters became integral components of marriage contracts which set out to regulate spousal and familial assets.²⁰ Gender-based distinctions also underlie different developmental schemes. Filial piety, *pietas*, may advance the mutuality of parents–children relations. In reality such basic obligations on the part of children exclude the feminine.²¹

Rabbinic childhood, whether fashioned for males or females, finds its rhythm between biblical and their own times. In order to exist, a Jew had to have a childhood. But it is an existence based on a mode of exclusion. The language used to describe minority, to follow the ritual and sexual maturation of boys, to groom girls to become Jewish wives and mothers, underscores the tension of biblical binding and contemporary accommodation.

Rabbinic ingenuity is especially impressive when considering efforts to integrate children born with legal, physical and mental impediments into the body of the community. Although "bastards" feature fairly prominently, there is no trace of a childhood different from that of children born in holy matrimony, unless the status of the child and its behavior were deemed aberrant. Seeking to understand why a Jew would embark on a radical road leading ultimately to the creation of a rival creed, rabbinic and folkloristic strands combined to endow Jesus with both a dubious status due to birth and a childhood marked by defiance and disobedience.

The measurement of intelligence applied to children and the mentally deficient not on the basis of bias but in order to evaluate their functioning as Jews. Physical disabilities, less difficult to conceal, and so inimical to the

²⁰ Apparently, a novelty which changed a tradition authorizing equal inheritance rights of maternal assets by female and male children. On traditional aspects of other *ketubah* clauses, B. S. Jackson, "Problems in the Development of Ketubah Payment: The Shimon ben Shetah Tradition," in *Rabbinic Law in Its Roman and Near Eastern Context*, ed. C. Hezser (Tübingen 2003), 199–226.

²¹ G. J. Blidstein, "Filial Piety in Law and Lore," in *The Jewish Family on Our Time*, II (1980), pp. 43–73.

perfection of the body required of the priestly cast, were treated as misfortunes. The main problem was not their visibility but rather their concealment in circumstances which required full disclosure, such as marital negotiations between parents of prospective spouses. I would propose that the most original contribution of rabbinic discourses on children and on childhood is the focus on the misbegotten and the malformed.

We have no idea what Jewish children looked like. Perhaps, if Benjamin's funerary stele from Pannonia bore a likeness to the Jewish family buried there, the child depicted was or bore a resemblance to Benjamin. Even in this case it would be impossible to distinguish him from any other child in the province, nor is it likely that the live Benjamin bore a menorah on his dress. It is likely, however, that the biblical children represented on the walls of the Dura Europos synagogue did bear a resemblance to Jewish children in town. Clearly no artist had a clue what the young David, baby Moses or the widow's child looked like. Whether artists working in the synagogue and paid by Jewish donors used model books to depict generic children or based their imagery on the lively faces of children in the community is impossible to ascertain.

The analysis of the silent children on the Dura Europos synagogue provides clues to familial structures, biblical and contemporary. We are looking at children in situations where maternal or parental absence determine the fate and shape the life of the child. We can project the impact of the biblical scenes featuring children on the viewing youth who grew up in a Roman garrison town constantly menaced by the rising power of Sassanid Persia. Above all, the Dura synagogue paintings provide a critical clue to the formation of visual literacy, of how Jewishness was inculcated in the young through texts, traditions and images.

Auto/biographies of children are a rare commodity, even in the shape of memoirs conjured in maturity. This silence can be strikingly contrasted with the ubiquity of children in many of our contemporary cultures, the outcome of a process that, as Vivian Zelizer showed, turned the useful child into a precious being, to be cherished and treasured. To glimpse what life was really like for children in antiquity, we need to use our imagination. Because this book deals, for the most part, with rabbinically conjured childhoods, because even figures that received legendary proportions in rabbinic literature, like Rabbi Akiva and Rabbi Meir, seemed to have bypassed childhood, wielding our imagination is just as critical as wielding our primary sources.

The children I conjure are firmly anchored in data gleaned from archaeological and literary sources. They represent the Jewish Roman Mediterranean, from Roman Palestine, the heart of rabbinic Judaism in

the Roman Empire, to the Balearic Islands off the coast of Spain. The choice is not haphazard. It represents an existing balance or rather an imbalance of our primary sources, with texts emanating nearly exclusively from Palestine (not discounting Sassanid Persia) and other types of evidence, inscriptions, papyri and pictures, which are scattered across the great expanse of the Mediterranean.

Epilogue: The Jewish Children of Visigothic Legislation

The rabbinic invention of childhood as a distinct category found its most striking expression in laws promulgated in Visigothic Spain in the late sixth and seventh centuries. Strangers to the land which they controlled as well as recent converts to Catholicism, the Gothic establishment converged on native non-Christians by forcing a separation from origins, of parents from each other and of children from their family and faith.

At the third council of Toledo (589 CE), the first to be convened under a Gothic-catholic ruler, an old Roman prohibition against Jewish-Christian intermarriage was repeated with an important new proviso enjoining forced baptism on children born of these alliances.²² A threat of forced baptism of these children was deployed to penalize transgressors. For the first time in the course of two centuries of Roman and barbarian legislation on Jewish affairs, the fate of children born to Jewish men and Christian women hung in the balance. It is unclear why children of Jewish women and Christian men were omitted from this canon. In Visigothic Spain, as in the defunct Western Roman Empire, a child's religious status, like its civic status, depended on paternity. By rabbinic standards of the matrilineal principle, a child's creed was determined by the religious affiliation of its mother.²³

²² Canon 14: *Conventus noster hoc canonibus inserendum praecepit, ut Iudeis non liceat christianas habere uxores vel concubinas, neque mancipium christianum in usus proprios comparare, sed et filii qui ex tali coniugio nati sunt adsumendos esse ad baptismum.* R. L. Stocking, "Forced Converts, 'CryptoJudaism,' and Children: Religious Identification in Visigothic Spain," in *Jews in Early Christian Law. Byzantium and the Latin West 6th–11th centuries*, ed. J. Tolan et al. (Turnhout 2014), 243–66. For text and translation, A. Linder, *The Jews in the Legal Sources of the Early Middle Ages* (Detroit-Jerusalem, 1997). For Roman precedents, Sivan, *REJ*; and eadem, "Why not Marry a Barbarian?"; R. W. Mathisen, "Provinciales, Gentiles, and Marriages between Romans and Barbarians in the Late Roman Empire," *JRS* 99 (2009), 140–55.

²³ On Jews in Visigothic Spain, Sivan, "The Invisible Jews of Visigothic Spain," *REJ* 159 (2000), 369–85; on intermarriage and their impact on the faith of children, Zlotnick-Sivan, "Rabbinics and Roman Law: Jewish-Gentile/Christian Marriage in Late Antiquity," *REJ* 156 (1997), 59–100; S. J. D. Cohen, "The Matrilineal Principle" in idem, *The Beginnings of Jewishness* (Berkeley 1999), 263–308. Perhaps the measure represents not so much ignorance as different criteria of the status of children born to mixed religious couples.

Children continued to constitute a bone of contention in Gothic-Hispanic legislation. A curious ruse to prevent the baptism of Jewish children was raised by the bishops assembled at the council of Seville (620s CE), which was convened after king Sisebut ordered the forced baptism of all Jews residing in his kingdom (c. 615 CE). Apparently, Jews who had been forcibly baptized but wished to prevent their children from submitting to a similar fate adopted an ingenious strategy. They borrowed Christian children from their neighbors and marshaled them to the font as their own. What clearly angered the bishops was not only the fact that the children remained Jews but that Christian children were baptized twice, thereby violating another ecclesiastical canon.

It is unclear from the wording of the canon which only survived as an appendix to the minutes of the eighty council of Toledo whether the rebaptized children belonged to Christian or to ex-Jewish (baptized) families. The prelates assembled in Seville not only deplored this neighborly intra-faith collaboration between Jews and Christians (or "Christians") but also went so far as to condemn as pagan the Jewish children who thus escaped baptism.²⁴

To prevent reiteration of these embarrassing rituals which not only made a mockery of baptism but also created a bizarre "pagan" identity for Jewish children, the baptism of children of forcibly baptized parents had to be conducted in public. Parents, as well as neighbors, had to swear that the right children were being presented.²⁵ The precise affinity of a Jewish child became a fundamental ritual of identification prior to its "rebirth" as Christian.²⁶ Clergy everywhere, in towns and in the countryside, was harnessed to a collective effort of integrating the newly baptized. The bishop urged their underlings to prevent the converts' adherence to Jewish customs (Sabbath, food regulations, circumcision) and to exhort them to behave like Christians by dressing, eating and attending church just like them.²⁷ By forcing a "rebirth" on Jewish children, the Roman-

²⁴ Third council of Seville canon 10 apud eighth council of Toledo (654): *Comperimus quosdam Iudaeos nuper ad fidem Christi vocatos, quadam perfidiae fraude alios pro filiis suis ad sacrum sanctum lavacri fontem offerre, ita ut specie filiorum quosdam iterato baptismo tingant, sicque occulta ac simulatione, natos suos paganos retinent . . .* W. Drews, "Jews as pagans? Polemical definitions of identity in Visigothic Spain," *Early Medieval Europe* 11 (2002), 189–207, who maintains that the "lending" parents were Christian (p. 194).

²⁵ Ibid.: *dum vero filios ad regenerationis gratiam offerunt, data primum parentibus iusiurandi fide quod eorum sint filii vicinorumque adibito testimonio sic demum gratiam baptismi sub multorum praesentia infante eorum percipiant.*

²⁶ Stocking, 250–3 and passim.

²⁷ Ibid.: *sed in nomine Christi religionis cultu victu habitu nobiscum communes existant, ad ecclesiam quoque saepe concurrant.*

Catholic church positioned itself as a mediator of birth itself. By removing children from their birth parents and uprooting them from families, the church assumed a parental role, thus defying the children's ineradicable identity as Jews.

In quick succession ecclesiastical canons and royal laws conspired to detach male children who were circumcised by their allegedly Christian parents from their parents' company.²⁸ Jewish boys who had been both baptized and circumcised could no longer belong to a family of perfidious Christians who adhered to non-Christian rites which preserved a distinct Jewish identity. Finally, both daughters and sons were to be separated from their birth families and placed in monasteries or with pious Christian men and women, where they would be coached as Christians.²⁹

Shortly afterward, at the fourth council of Toledo (633 CE), attention was directed at unborn children of mixed Jewish-Christian marriage. The bishops decreed that children born to Christian mothers and Jewish fathers must follow the faith of their mothers, while those born to Jewish women and Christian men must follow Christian religion rather than Jewish superstition.³⁰ Here was a paradoxical affirmation of rabbinic matrilineal principles combined with a reiteration of Roman legalities.

In 681 a law of King Erwig set out to punish Jews who dared to read or to conceal books which argued against Christianity. If caught, these "criminals" were to be shaven(?) and flogged with a hundred lashes, lose their property and be doomed to exile. Similar penalties were to be inflicted on anyone who dared teach these doctrines to a child. Here the legislators adopted age gradation in an effort, it seems, to exonerate children under

²⁸ Fourth Council of Toledo canon 59 (633 CE): *Plerique qui ex iudaicis dudum ad christianam fidem promoti sunt, nunc blasphemantes in Christo non solum iudaicos ritus perpetrare noscuntur, sed etiam abominandas circumcisiones exercere praesumerunt : de quibus consultu piissimi ac religiosissimi principis domini nostri Sisenandi regis hoc sanctum decrevit concilium, ut huiusmodi transgressores pontificali auctoritate correcti ad cultum christiani dogmatis revocentur, ut quos voluntas propria non emendat animadversio sacerdotalis coerceat. Eos autem quos circumciderunt, si filii eorum sunt, a parentum consortio separentur.* For text, translation (to French), editions, comments and bibliography, www.cn-telma.fr/relmin/extraitio58.

²⁹ IV Toledo c. 60: *Iudaeorum filios vel filias, ne parentum ultra involvantur errore, ab eorum consortio separari decernimus deputatos aut monasteriis aut christianis viris ac mulieribus Deum timentibus, ut sub eorum conversatione cultum fidei discant atque in melius instituti tam in moribus quam in fide proficiant.* www.cn-telma.fr/relmin/extraitio60.

³⁰ IV Toledo c. 63: *Iudaei qui christianas mulieres in coniugio habent admoneantur ab episcopo civitatis ipsius, ut si cum eis permanere cupiunt, christiani efficiantur; quod si admoniti noluerint, separentur, quia non potest infidelis in eius permanere coniunctionem quem in christianam translata est fides; filii autem qui ex talibus nati existunt, fidem atque conditionem matris sequantur: similiter et hii qui procreati sunt de infidelibus mulieribus et fidelibus viris christianam sequantur religionem, non iudaicam superstitionem* (www.cn-telma.fr/relmin/extraitio67).

a certain age from legal liability. Infants and children under the age of ten, even if seen to have studied this “doctrine of perfidy” (i.e. the Torah?) were exempt from sanctions and penalties.³¹ At the seventeenth council of Toledo (694 CE, canon 8) relapsing Jews were branded as traitors to country and people, and condemned to slavery. Their daughters and son, if older than seven, were to be taken away from home by their owners and raised as Christians so as to become fit to marry Christian partners. Neither children nor parents were allowed to practice ceremonies of their own religion. Roman law endorsed forced separation between slave children and their enslaved parents when the child turned twelve; in Gothic Spain the age was lowered.³² This double denial of parentage and of faith reflects the convergence of civic and religious discourse, of political and ecclesiastical power, by constituting the foundation of citizenship on restrictive forms. In the ideal Gothic-catholic state Jews did not exist. However, references to Jewish children undermined these official declarations of unity.

There is no explanation why the ages of seven and ten were considered pivotal in the case of Jewish children, the first as the age of initiation into Christianity, the second as the age of legal responsibility. It should be noted, however, that attention to children was not limited to laws dealing with Jews.³³ Before 675 children born to “mixed” status (Christian) parents, one free and one bonded, were considered under obligation to the church, which also controlled properties bequeathed to them by their free parent.³⁴ To prevent these mixed marriages, or rather the passing of property to the church, Wamba ordered that children born to parents of mixed civic status were to be enslaved to the royal household.³⁵ Children of illicit unions between members of the clergy and women of every type and status likewise faced a fate of enslavement.³⁶

A few laws also deal with (Christian) children under or over the age of ten. Parents were authorized to arrange marriage for children over ten and

³¹ LVis 12.3.II: . . . *Infantes tamen ipsi vel pueri tunc a supradictis erunt damnis atque verberibus alieni, si hanc perfidie doctrinam intra X etatis sue annos positi meditasse fuerint visi. Ceterum post exemptos decem annos quisquis illorum talia adtendere vel meditari presumpserit, superioris institutionis damna vel verbera ordine superius adnotato sustineat.* R. G. Salinero, “The Legal Eradication of the Jewish Literary Legacy in Visigothic Spain,” in *Jews in Early Christian Law. Byzantium and the Latin West 6th–11th centuries*, ed. J. Tolan et al. (Turnhout 2014), 204–5 [195–209].

³² LVis 10.1.17.

³³ P. D. King, *Law and Society in the Visigothic Kingdom* (Cambridge 1972), 237–50, esp. 243–4 on twenty (the *perfecta aetas*) as the age of a child’s emancipation from parental authority and fourteen as the age of majority for valid testimony, wills and contracts.

³⁴ King, 67. ³⁵ *Ibid.*, 68. ³⁶ IX Toledo 10 with King, 153 note 1.

even force them to enter religious life.³⁷ Age ten also relates to matters of parental maintenance and whether this constitutes a justifiable economic burden.³⁸ At age ten or older a child could make a valid will if *in extremis*, although if recovered, the will would have been nullified.³⁹ By the second half of the seventh century (Erwig's rule) well-behaved children were rewarded with the lion's share of paternal and maternal assets regardless of parental wishes and instructions.⁴⁰ The sole judiciously significant criterion of a child's right to inherit was baptism.⁴¹

Catholic-Gothic ideology applied a similar advocacy of children's rights against their parents to Jewish children in Visigothic Spain. The complexity of relations between parents and children was reduced to a single aspect, the parental creed and its suitability to the envisioned homogeneous landscape. Canons and laws projected semantic fields of an indivisible faith versus the deliberate dissolution of the family. No longer was there a question of what comes first, religion or children. A child no longer belonged to its parents. Because parental nourishment involved maintenance as well as the teaching of the principles of living as Jews, Jewish parents were construed as a deluded source of nurture. In a territory united solely by Catholicism, the very survival of Jewish children qua children, and as Jews, was perceived as a danger to the monarchy, the church and the public interest.

The myth of a harmonious Gothic-catholic Spain aspired to integrate children into social, religious and political structures by undermining the family. In the landscape of Christian-Gothic imagination, children became an indispensable resource of patriotism. They are carefully distinguished from their parents, as though not born but produced.

³⁷ King, 238 note 7. ³⁸ LVis 4.4.3 (antiqua). ³⁹ Ibid., 244–5 note 6. ⁴⁰ King, 247–8.

⁴¹ Ibid., 247.

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